the statement that the hearings were half over and the statement—which is the fact—that this was done on the second day.

Mr. PENROSE. Four years ago a resolution was passed requiring the oath before the proceedings were begun; but, of course, our friends will learn as the proceedings advance.

Mr. LA FOLLETTE. I ask leave to insert at the right place in my amendment the words "shall answer under oath." I desire to make that addition to it.

The VICE PRESIDENT. It will be so understood. The amendment of the Senator from Wisconsin, as modified, will lie on the table and be printed.

EXECUTIVE SESSION.

Mr. BACON. Mr. President, I renew my motion that the Senate proceed to the consideration of executive business.

The VICE PRESIDENT. The question is upon the motion of the Senator from Georgia that the Senate proceed to the consideration of executive business. [Putting the question.] The Chair is in doubt.

Mr. KERN. I ask for a division.

Mr. PENROSE. I call for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. JACKSON]. As he is absent, I will withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the junior Senator from Maine [Mr. BURLEIGH] and will vote. I vote "nay."

Mr. POMERENE (when his name was called). I have a pair with the junior Senator from North Dakota [Mr. GRONNA], and therefore withhold my vote.

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). My colleague [Mr. SMITH] is necessarily absent from the Senate on important business. During his absence he is paired with the Senator from New Mexico [Mr. FALL.]

The roll call was concluded.

Mr. CATRON. My colleague [Mr. FALL] is necessarily absent. As announced by the Senator from Arizona, he is paired with the Senator from Arizona [Mr. SMITH].

Mr. GALLINGER. I am directed to announced that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Texas [Mr. CULBERSON] and that the Senator from North Dakota [Mr. MCCUMBER] is paired with the Senator from Maryland [Mr. SMITH].

Mr. POMERENE. I transfer my pair to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "yea."

The result was announced—yeas 48, nays 34, as follows:

YEAS—48.

Ashurst	Johnson, Me.	Pittman	Smith, Ga.
Bacon	Johnston, Ala.	Poindexter	Smith, S. C.
Bankhead	Kern	Pomerene	Stone
Bryan	La Follette	Ransdell	Swanson
Chamberlain	Lane	Reed	Thomas
Clarke, Ark.	Lea	Robinson	Thompson
Fletcher	Lewis	Saulsbury	Thornton
Gore	Martin, Va.	Shafroth	Tillman
Hitchcock	Martine, N. J.	Sheppard	Vardaman
Hollis	Myers	Shields	Walsh
Hughes	Overman	Shively	Williams
James	Owen	Simmons	Works

NAYS—34.

Borah	Colt	McLean	Smoot
Bradley	Cummins	Nelson	Stephenson
Brady	Dillingham	Norris	Sterling
Brandegee	Gallinger	Oliver	Sutherland
Bristow	Goff	Page	Townsend
Burton	Jones	Penrose	Warren
Catron	Kenyon	Perkins	Weeks.
Clapp	Lippitt	Root	
Clark, Wyo.	Lodge	Smith, Mich.	

NOT VOTING—14.

Burleigh	du Pont	McCumber	Smith, Ariz.
Chilton	Fall	Newlands	Smith, Md.
Crawford	Gronna	O'Gorman	
Culberson	Jackson	Sherman	

So the motion was agreed to, and the Senate proceeded to the consideration of executive business. After four hours and thirty-five minutes spent in executive session, the doors were reopened, and (at 8 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 14, 1913, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 13, 1913.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut. Col. Walter D. McCaw, Medical Corps, to be colonel from May 9, 1913, vice Col. Harry O. Perley, retired from active service May 8, 1913.

Maj. Paul F. Straub, Medical Corps, to be lieutenant colonel from May 9, 1913, vice Lieut. Col. Walter D. McCaw, promoted.

Capt. James L. Bevans, Medical Corps, to be major from May 9, 1913, vice Maj. Paul F. Straub, promoted.

INFANTRY ARM.

Second Lieut. Walter R. Wheeler, Fifteenth Infantry, to be first lieutenant from April 26, 1913, vice First Lieut. Charles F. Conry, Tenth Infantry, who died April 25, 1913.

Second Lieut. George F. N. Dailey, Twentieth Infantry, to be first lieutenant from April 30, 1913, vice First Lieut. Russell C. Hand, Thirteenth Infantry, promoted.

PROMOTION IN THE NAVY.

Asst. Surg. William H. Connor to be a passed assistant surgeon in the Navy from the 28th day of March, 1913.

CONFIRMATION.

Executive nomination confirmed by the Senate May 13, 1913.

POSTMASTER.

SOUTH CAROLINA.

P. M. Murray at Walterboro.

SENATE.

WEDNESDAY, *May 14, 1913.*

The Senate met at 12 o'clock m.

Prayer by Rev. W. V. Tudor, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

THE REPUBLIC OF CHINA.

The VICE PRESIDENT. The Chair lays before the Senate a cablegram from the Shansi Provincial Assembly, China, which will be read.

The Secretary read the cablegram, as follows:

[Cablegram.]

TAIYUANFUS, CHINA, *May 10, 1913.*

To the President, Senate, and Representatives of the American Republic, Washington:

The people of Shansi Province, China, send greetings. The Republic of China is now properly established, and news of your esteemed Government's recognition has been received with the utmost pleasure and gratitude. The day before yesterday, the 8th May, the Chinese people everywhere assembled to celebrate and offer thanks for your Government's recognition. The people of Shansi were no exception, and assembled to celebrate in tens of thousands in grateful celebration of this auspicious occasion. The presence of an American citizen enhanced the ceremony, and together we joined in giving cheers for the Republics of America and China, respectively. The Chinese people also unitedly expressed the fervent hope that the American and Chinese Republics may be of mutual assistance in the furtherance of universal peace.

SHANSI PROVINCIAL ASSEMBLY.

The VICE PRESIDENT. The cablegram will lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 32. An act to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania;

H. R. 4234. An act providing certain legislation for the Panama California Exposition to be held in San Diego, Cal., during the year 1915;

H. J. Res. 80. Joint resolution making appropriations to supply urgent deficiencies in certain appropriations for the postal service for the fiscal year 1913; and

H. J. Res. 82. Authorizing the President to accept an invitation to participate in the international conference on education.

PERSONAL EXPLANATION—PROPOSED TARIFF HEARINGS.

Mr. SHEPPARD. Mr. President, I rise to a question of personal privilege.

The VICE PRESIDENT. The Senator from Texas will state it.

Mr. SHEPPARD. It was stated in the New York World, and perhaps other metropolitan newspapers, a few days ago, that several Democratic Senators, including myself, intend to vote against the Democratic side on the question of public hearings on the tariff bill.

I wish to state that so far as I am concerned the report is utterly incorrect and absolutely without any foundation.

PETITIONS AND MEMORIALS.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. The Chair was about to announce that while of opinion that the undisposed-of message from the House of Representatives with reference to the tariff bill is reg-

ularly before the Senate, still, if there be no objection, the Chair will call for petitions and memorials.

Mr. PENROSE. I have no objection to that.

Mr. LODGE. It seems to me there would be no harm in that course. It will take a very short time to get rid of the routine morning business.

The VICE PRESIDENT. The Chair had the feeling that certain Senators would desire to present petitions and memorials, and if there be no objection the Chair will pursue that course and call for petitions and memorials. He recognizes the Senator from Massachusetts for that purpose.

Mr. LODGE. I present certain resolutions of the Legislature of the Commonwealth of Massachusetts, which I ask may be read, and the accompanying paper referred to in the resolutions I ask may be printed in the RECORD without reading.

There being no objection, the resolutions of the Legislature of the Commonwealth of Massachusetts were read and the paper accompanying them ordered to be printed in the RECORD, as follows:

Resolutions relative to the tariff.

THE COMMONWEALTH OF MASSACHUSETTS, 1913.

Whereas on April 3, 1913, His Excellency Eugene N. Foss, governor of Massachusetts, recommended in a message of that date that the legislature address the Congress of the United States with reference to the tariff legislation now pending: Now, therefore, be it

Resolved, That, in conformity with this recommendation, the Legislature of Massachusetts respectfully submits to the Congress of the United States the following considerations in regard to tariff legislation:

With many of the arguments and conclusions presented by his excellency the governor in his message hereto appended, the legislature is not in accord, but is in full agreement with him as to the importance of the subject, representing as do the members of the legislature a State conspicuous both for the extent and the variety of its industries, many of which are gravely affected by the tariff laws of the United States; be it further

Resolved, That at the outset the legislature respectfully calls attention to the following statement in the message of his excellency the governor:

"The concrete political expression of the popular demand appears in the election of a Democratic President and a Democratic Congress; but the two platforms which indorsed the principle of protection received, in the votes of the candidates who stood upon them, a greater indorsement by the American people at the last election than the platform which repudiated the principle of a protective tariff."

Resolved, That the legislature believes that there is no doubt that a large majority of the voters of the United States cast their votes in favor of maintaining the protective principle in tariff legislation, and that the voters of the United States have given no mandate to Congress in favor of tariff legislation based on free-trade principles.

Resolved, That the policy of opening the markets of the United States to the unrestricted competition of the rest of the world, advocated by the President in his message, and the pending bill, which is a long step toward the complete establishment of that policy, appear to the legislature to be in direct contravention of the wishes of the voters of the United States, and especially of this Commonwealth, as expressed in the last election.

Resolved, That the legislature therefore respectfully urges that any tariff legislation undertaken by Congress be based upon the protective principle, and that the legislature is of opinion that there should be a reasonable protection accorded to all industries, sufficient to maintain American wages and American standards of living and to prevent the necessity of reductions, either in the rates of wages or in the total amount of the wage fund paid out. Be it further

Resolved, That a tariff commission of disinterested experts, such as we have had in the past, should be reestablished in order that tariff changes may be made scientifically, and not be the work of partisan committees irregularly modified by local and sectional interests.

Resolved, That the legislature believes that the maximum and minimum provisions should be continued, because in this way alone can we secure equal treatment in the markets of the world and protect ourselves against unjust discriminations.

Resolved, That the legislature is of opinion that the raw materials of any industry which never have been and can not be produced in the United States, should be admitted free of duty; that the legislature especially urges upon Congress the importance of maintaining a proportionate difference in rates between raw materials which bear a duty and the finished product into which such raw materials are converted; and that to reduce the duty on the finished product and at the same time to increase or to leave untouched the existing duty upon the raw material of such product, as is done in many instances in the proposed bill, is not free trade or open competition but a wanton destruction of the industries so treated.

Whereas the pending bill authorizes the President to enter into reciprocal trade arrangements with other countries, a power he already possesses without action on the part of Congress:

Resolved, That the legislature is opposed to any so-called reciprocity which does not bring to the United States advantages which correspond with the concessions made; and that the legislature does not believe in reciprocity which purchases advantages for any industry or section at the expense of other industries or other sections of our common country, but that real reciprocity requires that where duties are removed, as this bill proposes, on certain articles of general consumption, the removal should be made dependent on our securing like concessions from the countries whence these articles are to be imported.

Resolved, That, believing that the principles which have been set forth above are the true principles to be followed in any tariff revision, and that only by adherence to them will the prosperity and business welfare of the country be promoted, the legislature respectfully submits them to the Congress of the United States for its consideration.

Resolved, That the legislature respectfully urges upon the Senate and House of Representatives in Congress to give reasonable opportunity to persons and corporations engaged in industries which will be affected by the proposed tariff legislation to be heard before final action is taken by the Congress of the United States.

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the presiding officers of both branches of the Congress of the United States and to each Senator and Representative from Massachusetts in Congress.

In senate, adopted April 25, 1913.

In house of representatives, adopted, in concurrence, May 5, 1913.

A true copy.

Attest:

FRANK J. DONAHUE,
Secretary of the Commonwealth.

(House, No. 2269.)

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT,
Boston, April 3, 1913.

To the honorable senate and house of representatives:

I deem it my duty to call your attention to a course of events which is of great importance to the people of the Commonwealth and to urge your cooperation in bringing about the public action which the situation demands.

THE RECENT POLITICAL REVOLUTION ORIGINATED IN MASSACHUSETTS.

Three years ago there was inaugurated in this Commonwealth a political revolution which spread rapidly throughout the Nation and was consummated the 4th day of March in a complete change of the National Government. Each step in this movement was decisive, and the impelling motives and forces behind it were irresistible.

The first manifestation of the change in popular opinion was the election on the 22d day of March, 1910, in the fourteenth Massachusetts congressional district. In this great manufacturing center a traditional Republican majority of 15,000 was turned into a Democratic majority of 6,000, an overturn of 21,000 in a total vote of 24,500. In the State election in 1910 the Democratic candidate for governor turned the Taft majority of 110,000 into a Democratic majority of 36,000, a change of 146,000 in a total vote of a little over 400,000. In the State election of 1911, the only State election held in a pivotal Northern State, the Democratic candidate for governor overcame the massed forces of the whole national Republican Party. In these three elections this candidate was the only Democrat elected. In the national election of 1912 the same Democratic candidate received a plurality of almost 50,000, was elected for the third time a Democratic governor of Republican Massachusetts, and led the national ticket by 30,000 votes.

A NONPARTISAN STRUGGLE FOR AN ECONOMIC PRINCIPLE.

The reason for these four successes was that the candidate who attained them individualized the precise issue upon which the revolution turned.

The conditions which caused this movement still exist. No statute has been passed in response to it and, so far as the public is informed, none has been framed. But legislators elected with a mandate to make such response are about to meet. It is the highest interest of the American people that the meaning of this revolution be not misconceived, that its purposes be not thwarted, and that its objects be promptly and definitely realized in law.

The movement originated in Massachusetts. The people of this Commonwealth were the first, as they have so often been, to sense the dangers confronting them and the whole country. These dangers were more apparent to those who had the needs of Massachusetts in mind, but the quick recognition by the rest of the country of the justice of the revolt of Massachusetts against existing conditions showed that the arguments of the leaders in the movement applied with almost equal force to the entire country.

The movement was in no sense political. The apparent reversal of political opinion in Massachusetts is shown by analysis to amount to a nonpartisan demand for a specific economic policy, which heretofore no political party has espoused. This Massachusetts doctrine appealed to the entire country. The Legislature of Massachusetts may with propriety and, having in mind its duty to the people, it should appeal to the Congress of the United States to apply to existing economic conditions the economic policy which the people have so emphatically demanded and indorsed.

THE DEMOCRATIC PARTY SHOULD APPLY THIS PRINCIPLE.

The concrete political expression of the popular demand appears in the election of a Democratic President and a Democratic Congress; but the two platforms which indorsed the principle of protection received, in the votes of the candidates who stood upon them, a greater indorsement by the American people at the last election than the platform which repudiated the principle of a protective tariff.

A DEMAND FOR THE MASSACHUSETTS PRINCIPLE OF TARIFF REDUCTION.

The popular movement is a nonpartisan demand for a revision of the tariff. It is to be expected that the President will outline a policy in his forthcoming message to Congress. Up to the present the only indication of the Democratic attitude is to be found in the bills prepared by the last special session. These measures were not satisfactory from the point of view of those who desire to see the tariff question settled upon the broadest basis of public interest. It is to be hoped that the President's message will outline a policy that will lead to such a settlement. He has invited the cooperation of all in his work. It seems fitting that we in Massachusetts, who have so much at stake in the proper settlement of the tariff question and who have had so important a part in the struggle which led to his election, should contribute an expression of what we have contended for as the true method of tariff adjustment.

The policy demanded by the American people during the past three years was a reduction of the tariff for the benefit of all the people. No considerable part of the voters were willing to support the doctrine of free trade advocated in the Democratic platform or the policy of deliberative and postponed reduction promised by the two wings of the Republican Party. But the great body of the people, without reference to political allegiance, desired the immediate adoption of a policy of tariff reduction which should benefit American industry and American trade, advance American production of every kind, and relieve the people from unjust tariff burdens. It was a nonpartisan demand for economic reform. It was a demand for the policy which constituted the appeal for the revolution at its first beginnings in Massachusetts—the Massachusetts policy of constructive tariff reduction.

The Massachusetts plan of constructive tariff reduction was formulated in 1902 by the candidate who appealed to the people upon it four times with such marked success. He was then a Republican candidate for Congress in open revolt against the tariff policy of his party. His unremitting agitation, continued for eight years, had brought him into the Democratic Party. He secured the adoption by that party in Massachusetts of the tariff policy which he had advocated, made that policy the slogan upon which four Democratic victories, the first for many years, were won, and showed it thus to be the motive of the

political revolution just consummated. Carrying the burden of the national battle unaided in the State election of 1911, he formulated the issue concisely against the Republican Party and established by his victory the basis of Democratic success. The issue was stated in the Massachusetts platform of 1911:

"The Payne-Aldrich law should at once be revised by eliminating the protection which promotes monopoly, produces private profit instead of public revenue, and obstructs free domestic competition and the sale of American products in foreign markets.

"We declare for removal of all duties on foodstuffs which enter into general popular consumption and on the raw materials of our manufactures.

"We favor a broad program of reciprocal trade agreements with other nations, that our commerce may be developed and new markets opened to the products of American industry."

THE TRUE PRINCIPLE LIKELY TO BE MISCONCEIVED.

The Democratic candidate for governor had summed this platform up during his 10 years' conflict inside the Republican Party and outside in these words: "Elimination of superfluous protection, free raw materials, no free trade, but reciprocity and fair trade." Nothing could be clearer than the indorsement of that policy by the American people. But almost equally clear is the danger that precisely the reverse of this platform in each of its three parts will be put into effect in tariff legislation by the special session of Congress about to meet.

In all tariff legislation three purposes must be kept in mind—the raising of revenue for the Government, the encouragement of domestic production, and the maintenance of the conditions necessary for private profit to domestic producers. No one of these purposes should be favored to the exclusion of the others. The combined consideration of the three purposes tends to the advancement of each. Yet the record of tariff legislation and of proposals for tariff legislation offers nothing but illustration of misconception of these principles.

THE REPUBLICAN GUARANTEE AND THE DEMOCRATIC DISREGARD OF PROFIT BOTH BAD.

Both parties offend in this respect. The Democratic Party asserts its principle of tariff revision so broadly that the defeat of its purposes may be forecasted in advance. The Republican Party, in its national platform of 1908, set up a principle of tariff making so erroneous that to overturn it was the purpose of the recent political revolution. To meet this principle squarely is the duty of the Democratic Congress. The Republican platform declared for "such duties as will equalize the cost of production at home and abroad *together with a reasonable profit to American industries.*" Such a tariff attempts to guarantee profits for some. The obvious result is to make it difficult for producers generally to earn them, to curtail production, to discourage importation, and to restrict the raising of revenue by tariff taxation. "*The Democratic policy,*" announced by one of the leaders March 10, 1912, "*clearly excludes the idea of protecting manufacturers' profits.*" This policy is more pernicious than that of the Republican Party. It excludes not only the idea of guaranteeing profits, but all consideration of the conditions under which manufacturers may earn them. It not only defeats the purposes of encouraging domestic production and assuring private profit to domestic producers, but also, through the curtailment of importations of the materials of manufacture, defeats the very purpose itself of raising revenue.

PROTECTIVE REDUCTION THE TRUE PRINCIPLE.

A tariff for revenue would seem to require increases of duties as well as decreases, and the Democratic House of Representatives proposed certain increases for revenue purposes at the last session. But an increase in the rate of a duty may defeat the purpose of protection and the purpose of revenue at the same time. If the increase is in the duty on raw materials of manufacture, the industry may be wiped out and both the profits and the public revenue terminated. Decreases in duties on raw materials may result, by reason of the effect in increasing the actual protection upon the manufactured product, in unjust enrichment at the expense of the public revenue. The duties on sugar, for example, are the principal source of tariff revenue, yet these duties are, by reason of the application of the principle of compensation, also a chief source of unjust private enrichment from the tariff at the expense both of the revenue and of all the people. The failure to consider the protective effect of a rate is to throw overboard the chart and compass of tariff making and to drift upon the sea of fallacy, log rolling, private tariff privilege, and corruption. If the compass is retained and read aright, it will point steadily to the polestar of tariff reduction. To increase duties is never necessary for revenue purposes. That object may always be attained by well-directed reductions when some duty remains after the superfluous part has been eliminated. The determination of such a duty should be the object of all tariff making, and such a duty should be the main source of tariff revenue. It provides an automatic balance between the producers and the people, and applies a constant stimulus to American manufacturers not to be content with the home market, but to compete with the foreigner in foreign markets. It is true that the determination of the exact rate of duty is not easy, but it is not less evident that the true course which leads to that determination is clear. It lies not in the path of decreases and increases that hurt American industry, but in decreases which help.

REDUCTION AND PROTECTION NOT INCONSISTENT.

Our recent tariff history is full of illustrations of decreases in duties which help American producers. An emphatic demand for resolute tariff reduction is in no way hostile to American industry. A downward revision of the tariff has been going on for 40 years. It is untrue to say that American industry has been held in check by protective duties. The truth is that these duties have resulted in the phenomenal growth of American industry during that period. The evil lies in the failure to continue the process of reduction, to apply it generally, to reduce decisively, and to establish as a rule of law the proper method of such reduction.

This method is indicated by experience in its application. In steel rails, for instance, the tariff was originally made in 1867 at 45 per cent ad valorem, when American railroads were paying British manufacturers $145 to $166 per ton. In 1871 the tariff was reduced to $28 per ton, then to $25.20, and finally advanced, in 1875, to $28 again. This was in force until 1883, when a reduction to $17 was made. In 1890 another reduction was made to $13.44, and under this duty the country produced over 15,000,000 tons in a year, and the price of rails fell here below that in England. In 1894 the duty was reduced to $7.84 per ton, and in 1909 to $3.92. At the end of this period of progressive protective reduction there had been established a great industry in this country, and American railroads were able to buy domestic rails below the British price and at a lower price than iron rails had ever been purchased for in either country.

On pig iron during the Civil War the duty was $9 per ton. In 1870 it was reduced to $7 per ton, and in 1873 to $6.30. In 1883 it was $6.72 per ton, and this was the rate until the Democrats revised it downward in 1894 under the Willson bill to $4. In 1909 the rate was reduced by a Republican Congress to $2.50.

In the Payne-Aldrich tariff the rate on iron ore was reduced from 40 cents a ton to 15 cents a ton, and the rate on iron in pigs, wrought and cast, was reduced from $4 a ton to $1 a ton, yet the value of exports of iron and steel manufactures—the rate being unchanged upon the finished product—increased from $144,951,357 in 1909 to $179,133,186 in 1910 and to $230,725,252 in 1911.

In the Payne-Aldrich tariff the tax of 15 per cent was taken off hides, and they were admitted free. The rate on boots and shoes was reduced from 25 per cent to 10 per cent, the rate on saddlery was reduced from 35 per cent to 20 per cent, and the rates on other manufactures of leather were much reduced. Yet under the reduced rates the value of our exports of leather manufactures increased from $42,974,795 in 1909 to $52,646,755 in 1910 and $53,673,056 in 1911.

The rate on agricultural implements was reduced from 20 per cent to 15 per cent, yet the value of exports of agricultural implements increased from $25,694,184 in 1909 to $28,124,033 in 1910 and to $35,973,398 in 1911.

THE SILK INDUSTRY BUILT UP ON FREE RAW MATERIALS.

The most striking proof, however, of our ability to manufacture in competition with the rest of the world is afforded by the history of the silk industry in the United States. The raw material of silk manufactures, unlike the raw material of manufactures of cotton and of wool, is not produced in the United States. Nor were the manufactures of silk regarded as necessaries of life, as manufactures of cotton and of wool undoubtedly are, and silk goods were considered peculiarly a European product.

MARVELOUS GROWTH FROM SMALL BEGINNINGS.

In 1869 there were only 139 silk establishments in the United States, with a total capital of $2,926,980 and a value of products of only $6,607,771. In 1870 our output of silk was worth $12,000,000; in 1880 it was forty-one millions. In 1883 the duty on raw silk was abolished. In 1890 our output of manufactured silk was worth eighty-seven millions; in 1900—panic and protracted hard times having intervened—it was worth one hundred and seven millions, and in 1910 it was worth one hundred and ninety-six millions. In the decade between 1900 and 1910 manufactures of silk in the United States increased more than 87 per cent, or about four times as fast as population.

COMMAND OF THE RAW SILK SUPPLY LED TO CONTROL OF THE DOMESTIC MARKET.

While in the year 1868–69 the importations of raw materials of silk manufactures into the United States aggregated only 726,695 pounds, with an invoice value of $3,312,726, the importations for the year 1909–10 were 20,863,377 pounds, or twenty-eight times the weight of 41 years before, and of the invoice value of $65,424,784, or about twenty times that of the earlier period. The American consumption of raw silk is now far in excess of that of any other country, and imports have advanced in the last 10 years by over 83 per cent, while the increase in imports of manufactured silk goods was only 17 per cent.

WE MANUFACTURE MORE SILK AND AT LESS COST THAN ANY OTHER CIVILIZED NATION.

In the decade between 1899 and 1909 American manufactures of silk dress goods, the foreigner's specialty, doubled both in quantity and in value, and, with free raw silk, despite the duties on other raw materials of silk manufacture and the general protective cost level, silk was manufactured in the United States at a less cost than in Europe. I believe that the same would be true of every other product of American industry under like conditions.

THE DEMOCRATIC THREAT OF DESTRUCTIVE UPWARD REVISION.

But this situation does not suit the Democratic Party. Their first desire is to apply at any cost the theory of a "tariff for revenue only." The thing which made possible the phenomenal growth of the silk industry was the removal of the duty long imposed on imports of raw silk. To grow silk in this country has been found impossible. The duty had cut off revenue, the growth of the industry, wages, and the creation of a supply within the reach of the people of an article of great use. The practice of taking off the duty on raw materials wherever proper has been responsible since the Civil War for the guaranty to the silk industry of the advantage upon which its growth depended. The Democratic majority of the House of Representatives, however, in the recent session proposed to take up the revision of the silk schedule, and the leaders announced that a 25 per cent duty on raw silk was to be imposed. The annihilation of the $200,000,000 silk industry that would surely follow this antiprotection, "for-revenue-only" revision upward provision would be a high price for the American people to pay for an experiment in tariff making.

The average citizen would prefer the protective rates of the McKinley tariff, which transferred the tinplate industry to the United States and in a few years made us large exporters to the so-called reductions which annihilate domestic industries and place the United States at the mercy of the foreign producer for its supply.

It will be conceded that a slow reduction of the tariff which reduces and stays reduced is better than a quick reduction which does not reduce at all. Reduction that benefits the country and sticks is based upon the same theory of the general welfare as protection. The two go naturally together.

The systematic policy of tariff reduction was continued in the Payne-Aldrich tariff law.

On the basis of actual imports of merchandise during the 34 months that law had been in operation down to May 31, 1912, it appears that the amount of goods imported without paying duty was a considerably larger percentage of the total of importations than under the Wilson law or the Dingley law, and that the average amount of duties paid per dollar, both of dutiable imports and of all imports, was very considerably lower.

THE TRUE POLICY IS TARIFF FOR PUBLIC REVENUE.

The Payne-Aldrich law produces ample revenue for the Government, with a larger free list than the Wilson law, which did not produce sufficient revenue, and with lower ad valorem rates both as to dutiable goods and as to all imports.

Under the Dingley law the average per cent of the imports that came in free was 44.3 per cent in value of the total importations. The average per cent in value of the imports which have come in free under the

Payne law is 51.2 per cent of the total importations. The reduction in duties from the Dingley law to the Payne law was 10 per cent, and, considering reductions on all imports, it amounted to 21 per cent.

THE MAXIMUM AND MINIMUM PLAN TO REDUCE THE TARIFF FOR AMERICAN ADVANTAGE.

The Payne-Aldrich law contained provisions for the imposition of minimum rates instead of maximum in the discretion of the President in return for equivalent consideration from other countries.

ENCOURAGEMENT TO AMERICAN INDUSTRY BY REDUCTION.

Whatever reasons may have existed for high protection in the past none of them is valid to-day; the very considerations that brought about the imposition of high rates now operate in favor of reductions. The mistake of the Republicans consisted in their failure to apply correct principles consistently and for the public benefit. The Democrats will perpetrate a worse error if they abandon these principles.

In recent years the Republicans have taken "encouragement to domestic production" to refer merely to the establishment of a greater aggregate price value for American products and not to the creation of more real wealth and welfare for the country. The denial to industry, for example, of free access to raw materials, and, to workers, of free access to necessaries of life, subtracts just so much from the working capital of the country, diminishes the annual product by a much greater amount, and acts not only as a discouragement to production but as an actual blight.

Even the farmer, who relies largely upon natural forces for his product and is subjected to the competition of the world market, and is thus actually concerned very little about the tariff on what he raises, pays much more in duties on the things he uses than could possibly be figured as his benefit from protection, and this benefit, besides, he does not get. He, too, is discouraged. The discouragement arises from the artificial increase in the cost of production caused by the misapplication of the protective principle. With the demand in the home market for all the food products of the country the farmer is relieved of his concern for protection to his product.

When we compare, therefore, the cost of production at home with the cost of production abroad, for the purpose of ascertaining what rates will equalize the cost, we should figure the cost at home as what it would be if domestic producers had free access to raw materials for their industries and untaxed necessaries of life for their workers. And this will not work unfavorably upon the domestic producers, if any, of the raw materials. With the cost of production at home lessened in this way there would be a decrease in the necessary compensation in the tariff rate and a diminished burden to be distributed among the different classes of producers, including domestic purveyors of raw materials and necessaries of life.

A tariff framed upon this basis would not create a constant necessity of increased protection, but would open the door to all those influences which make for lower cost of production, such, for example, as increased consumption, wider and steadier markets, enlarged scale of production, and capacity use of men and machinery, and would tend to make protection unnecessary.

"Encouragement to domestic production," therefore, in the same way as a "tariff for revenue only," must be looked upon, under conditions existing at the end of a 60-year test of high-tariff rates, as an object to be attained only by the elimination of superfluous protection and a constant reduction of the tariff. With raw materials free and necessaries of life untaxed, there can be no question that the United States can produce manufactured articles which now enjoy protection at as low a cost as any other nation and protection will be to a greater extent superfluous and subject to be eliminated without damage to American industry.

NO REDUCTION WITHOUT A QUID PRO QUO.

But it does not necessarily follow that because protection is superfluous it should be eliminated. As the imposition of duties can be justified only on the ground of benefit to American industry, so is such benefit the only justification for the removal of a duty. A tariff tax is the price of admission to a market. In many cases the foreigner pays the price. If this condition exists without harm to American industry or the public welfare, it should not be disturbed except for a benefit to American industry and the American people. A market of 100,000,000 of the greatest consumers on earth is a possession of tremendous value. It is a possession of the American people. Every duty removed is a door opened to foreigners to enter upon this market. Every duty removed by the Democratic Congress without benefit or consideration to the American people will be a free gift to our foreign competitors of a valuable thing belonging to the American people.

NEITHER RETALIATION NOR FREE TRADE, BUT FAIR TRADE.

The day for duties merely for protection to American industry has almost passed. But the time for free trade has not come. The régime of high protection established the policy of international retaliation, but it merely postponed and made more desirable the day of fair trade. The policy of free trade would make impossible the establishment of fair trade and would not only throw away, but would, in addition, forever rob of its highest use the country's most valuable possession—its market of 100,000,000 consumers.

RECIPROCITY THE TRUE BASIS OF TARIFF LEGISLATION.

The advocates of free trade usually pride themselves upon being supporters of international peace and of economic stability and social justice. As a matter of fact, they are the victims of an illusion. The greatest possible harm to international peace would result from an American policy of free trade. We should, it is true, be ready to open up our markets to foreign producers whenever it can be done without injury to our own people and we should at all times aim at the greatest volume of international trade which can be carried on with the greatest profit to the United States. But if it is true that we can not sell unless we buy, so it is true that we can not buy unless others buy from us. If we have the greatest market on earth, it is equally true that our greatest need is foreign markets. While formerly our exports were made up largely of food products, these have been relegated to a subordinate rank, and, according to present tendencies, before an interval of many years, we will be importers rather than exporters. The stimulation of manufactures has become necessary by reason of our decreased ability to export food owing to the demand for nearly all the product in the home market, and without a market such stimulation would be useless. If we are to continue to meet our foreign obligations, pay for foodstuffs and raw materials imported, and avoid actual national bankruptcy, an expanded market for American manufactures is absolutely imperative. In the year 1898, for the first time, we sent abroad a larger value of articles from our factories than we imported, and the value of manufactured articles, partly or entirely completed, reached a total of 45.07 per cent of our total exports in the year 1911, while exports of all classes of foodstuffs had fallen to 19.13 per cent. While our food exports attained a maximum volume in 1898, they had reached their maximum proportion of the total of productions in 1880.

Our need of foreign markets for our manufactures is so great that to give away any share of our market without a quid pro quo in return to the people of the United States would be little short of treasonable. The true policy of tariff reduction should have for its primary purposes to open to American manufactures the markets of the world. In other words, and in the last analysis, the beginning and ending of all tariff legislation in the United States should be the policy of commercial reciprocity.

SCIENTIFIC REVISION, A TARIFF COMMISSION, AND RECIPROCITY.

For the steady administration of any tariff, a permanent board of nonpolitical experts, working in cooperation with our Diplomatic Service, our Consular Service, and the Treasury Department, can be of great usefulness to the country. The object of all scientific tariff-making is to adjust rates to changing conditions in the markets of the world. The true proposal for a tariff commission and for a scientific tariff is for the application of the policy of general reciprocity.

RECIPROCITY IS INTERNATIONAL COOPERATION.

Commercial reciprocity is an exchange of markets, a mutual gift of trade opportunities, the conferring of reciprocal privileges as regards customs or charges on imports and in other respects, the removal, by means of mutual agreements, of provisions for the protection of the domestic markets of two countries which constitute obstacles to trade between them; it is neither free trade nor commercial retaliation, but fair trade through a complement, correction, and counterbalance of the policy of protection, evidenced not by a surtax on goods coming from countries which discriminate against one another, but by the substitution of minimum for maximum rates between countries which favor one another; it is a means of taking the tariff out of politics, a permanent basis for the automatic adjustment of trade relations to commercial and industrial needs, and for scientific tariff making upon that basis, a remedy for commercial depression caused by tariff changes, a shock-absorber on the road of tariff legislation, a stimulus to domestic production through the creation of markets for domestic products, a provision for the mutual exchange of commodities essential to the continued growth of export trade, for the taking from customer nations of such products as may be used without harm to domestic producers, in order that they may take the excess of domestic production above domestic consumption; it is the recognition and turning to use not only of domestic industrial and economic strength, but that of other nations as well, the contemplation of the need the nations have for one another's resources, the substitution of commercial friendship and cooperation for the suspicion, distrust, and the industrial, political, and military reprisals which lead up to, constitute, and follow commercial war, and the broadest possible foundation of mutual self-interest between the nations for the superstructure of international peace.

RECIPROCITY THE BASIS OF NATIONAL WELFARE.

Reciprocity, in short, gets markets. The one thing without which industry can not go on is the market. The one great requisite without which American prosperity can not continue is the market for the products of American industry. We have built up through the artificial stimulus of protection the most wonderful productive forces ever combined in one nation. But this structure can escape ruin only with the aid of the natural stimulus of commercial reciprocity. Although our most inspired statesmen have urged this policy as just the one thing necessary for our economic welfare, it is just the thing successive administrations have failed to apply. Jefferson, Blaine, and McKinley, patron saints of two great opposing parties and advocates of two conflicting theories of tariff taxation, are the leaders among the many great American statesmen, who, though diametrically opposed to one another on almost every other economic policy, are agreed in their insistence upon the absolute necessity to the welfare of the United States of the policy of international reciprocity.

JEFFERSON THE FATHER OF RECIPROCITY.

During the first administration of Washington, in 1791, Congress desired to do something for the development of the commerce and navigation of the United States, but felt itself lacking the necessary information on the subject. The House of Representatives passed a resolution requesting the Secretary of State to report to Congress on the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, and the measures which he should think proper to be adopted, for the improvement of the commerce and navigation of the same.

Mr. Jefferson's report, submitted after two years of inquiry into the facts, presents the conditions of our infant commerce of that day. Small as it was, the foreign restrictions upon the trade and upon our vessels engaged in it were extremely various and vexatious, especially in all that related to commerce with the colonies of European powers. After reciting them he asks the question, "In what way may they best be removed, modified, or counteracted?" He answers the question as follows:

"As to commerce, two methods occur: First, by friendly arrangements with the several nations with whom these restrictions exist; or, second, by the separate act of our own legislature for countervailing their efforts. There can be no doubt but that of these two friendly arrangement is the most eligible.

"Some nations, not yet ripe for free commerce in all its extent, might still be willing to modify their restrictions and regulations for us in proportion to the advantages which an intercourse with us might offer. Particularly, they may concur with us in reciprocating the duties to be levied on each side or in compensating any excess of duty by equivalent advantages of another nature."

Here was foreshadowed exactly the reciprocity of to-day. He proceeds as follows:

"But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties, and regulations, it behooves us to protect our citizens, their commerce, and navigation by counter prohibitions, duties, and regulations also. *Free commerce and navigation are not to be given in exchange for restrictions and vexations, nor are they likely to produce a relaxation of them.*"

He prefaces his recommendations with this expression:

"The following principles, being founded in reciprocity, appear perfectly just and to offer no cause of complaint to any nation."

He admits the inconvenience of a system of discriminating duties, but supports it as necessary to avoid greater evils, and comes to the following conclusion:

"Still, it must be repeated that friendly arrangements are preferable with all who will come into them, and that we should carry into such

arrangements all the liberality and spirit of accommodation which the nature of the case will admit."

Here is absolute proof that Thomas Jefferson at that early date advocated reciprocity and recommended it as a ruling principle.

BLAINE THE PROPHET OF RECIPROCITY.

The great Republican statesman, James G. Blaine, summed up his advocacy of this policy in the pithy phrase, "Reciprocity is the highest form of protection."

M'KINLEY, PROTECTION'S HIGH PRIEST, BASED PROTECTION ON RECIPROCITY.

What will go down in history as McKinley's farewell address contained these paragraphs:

"Only a broad and enlightened policy will keep what we have. No other policy will get more. In these times of marvelous business energy and gain we ought to be looking to the future, strengthening the weak places in our industrial and commercial systems, so that we may be ready for any storm or strain.

"By sensible trade arrangements which will not interrupt our home production we shall extend the outlets for our increasing surplus. A system which provides a mutual exchange of commodities is manifestly essential to the continued healthful growth of our export trade. We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible, it would not be best for us or for those with whom we deal. We should take from our customers such of their products as we can use without harm to our industries and labor.

"Reciprocity is the natural outgrowth of our wonderful industrial development under the domestic policy now firmly established. What we produce beyond our domestic consumption must have a vent abroad. The excess must be relieved through a foreign outlet, and we should sell everything we can and buy wherever the buying will enlarge our sales and productions, and thereby make a greater demand for home labor.

"The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not. If perchance some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad?"

GENERAL RECIPROCITY THE KEY TO FOREIGN MARKETS AND PROSPERITY.

There is a way to get the markets required for the development of American industry and to keep the wheels of industry going at full speed. Reciprocity is the way—reciprocity as a settled and general policy, a permanent part of a reasonable protective system. And reciprocity is the way to permanent general prosperity.

The case for reciprocity is proved by actual experience. We had reciprocity with Canada between 1854 and 1865. From the day it went into effect and until the Civil War broke out our exports to Canada rapidly increased. Reciprocity had been an unqualified success. The treaty was abrogated by us, not for commercial but for political reasons arising out of the Civil War. We closed the door against Canada in 1865 and Canada refused to reopen it in 1911.

But reciprocity is not to be judged by our relations with Canada or any single country. Reciprocity is a policy for universal application.

THE RECENT CANADIAN TREATY NOT TRUE RECIPROCITY.

The case for general reciprocity should now be considered quite apart from Canadian experience. In fact, the recent reciprocity treaty, which resulted in the opening of the American market to wood pulp without quid pro quo and put the American industry under free trade unconditionally and without reference to the acceptance of the treaty by Canada, is an illustration of what reciprocity is not and of what is not scientific tariff revision. Trade relations with only one country do not afford a basis for the consideration of international reciprocity. The great mistake in the Canadian treaty itself was that it was framed without reference to the general tariff system of the United States and without any consideration of the economic and political relations of either Canada or the United States with Great Britain.

THE TRADE COMMISSION TO CENTRAL AND SOUTH AMERICA.

There are other countries with which our trade is much more important than with Canada. The nearest to us are the Republics of Central and South America. After much discussion, some investigation, and a little experiment, the opportunity for American products in Central and South America is still unseized. The commercial conditions existing among the countries of North America and South America are the same that existed in the United States before the adoption of the Constitution. Alexander Hamilton, the father of protection, found it consistent with that doctrine to remove all the restrictions upon commerce between the States. What followed justified his foresight. That other high priest of protection, James G. Blaine, contemplated a policy of universal fair trade over both American continents, from Hudson Bay to Cape Horn. In 1881 President Arthur sent a trade commission to South and Central America to plan an American Zollverein, or "customs union." The results were mainly educational, save that the Hawaiian reciprocity treaty was negotiated, with results that became important and historic in annexation 12 years later.

THE PAN AMERICAN CONGRESS AND THE M'KINLEY BILL.

The second national impulse toward general reciprocity began in 1889 when Blaine again became Secretary of State. The momentous Pan American Congress was then convened at Washington. To the representatives of all-America, as well as to our own Congress, Mr. Blaine submitted his plan for an American customs union. The result was a clause in the McKinley tariff bill, then pending, providing that "the President be authorized without further legislation to declare the ports of the United States free and open to all the products of any nation of the American hemisphere whenever or so long as such nation shall admit" the flour, corn meal, breadstuffs, etc., of the United States free of all taxes. The Secretary urged Congress to seize this opportunity to open the markets of 40,000,000 people to the products of American farmers. But Blaine's plan was killed by the Senate under leaders acting for the woolgrowers and their allies, the beneficiaries of the wool tariff—the notorious Schedule K. Nevertheless, a modified form of the Blaine proposal did get into the McKinley tariff bill of 1890. It was great in its consequences though wrought in a grudging spirit. For the principle was admitted and reciprocity was established as a permanent part of the American protective system. Under the "reciprocity section" of the McKinley tariff of 1890 the President was authorized to withhold free entry of certain free-listed goods—raw sugar, molasses, coffee, tea, and hides—from any nation that should refuse to grant us a quid pro quo.

A LITTLE RECIPROCITY PROVED A POWERFUL LEAVEN.

Under this niggardly provision a dozen trade agreements were entered into. All these agreements with foreign countries were greatly to our advantage. Germany abolished its long-standing prohibition against American hogs and gave us the full benefit of its "conventional" tariff on all agricultural products. Austria-Hungary gave us the rates of "the most favored nation" on 2,000 separate items of American export.

But all these reciprocity arrangements under section 3 of the McKinley bill were brought summarily to an end on August 27, 1894, by the passage of the Wilson tariff bill, which annulled that section.

Meanwhile, this second national effort at general reciprocity had abundantly justified itself. It fell in an era of unprecedented commercial depression. It lightened that depression by a marked stimulation of foreign trade. Thus, for example, our annual exports to Germany just before the beginning of this experiment amounted to ninety millions. In the midst of the four-year period of reciprocity they rose to one hundred and three millions; and immediately after the canceling of the reciprocity agreement they fell to eighty-eight millions.

RESULTS UNDER THE DINGLEY TARIFF JUSTIFIED RECIPROCITY.

Our third national movement toward general reciprocity began in 1897. The Dingley tariff bill empowered the President, with the consent of the Senate, to make a reciprocity treaty with any country. He was authorized to offer three inducements: First, reduction of the duty upon any article in the whole tariff list to the extent of not more than 20 per cent; second, transfer to the free list of any article that was a natural product of the foreign country, but not of ours; third, guaranty that any article on the free list should be kept there. Secretary Hay negotiated and signed 11 advantageous treaties with foreign nations under this section 4 of the Dingley Act. They were all pigeonholed and killed in the United States Senate by the same senatorial powers of privilege that cut the heart out of the Blaine reciprocity plan.

But the Dingley bill contained another reciprocity section—section 3. Under this section certain limited reciprocity agreements could be entered into without the consent of the Senate.

Nine trade agreements have been made under section 3, and seven of them are still in operation. Secretary Hay made extraordinary bargains with France, Germany, Italy, and Portugal.

Germany, for instance, conceded to all imports from the United States the full and unqualified benefit of her "conventional" tariff—a specially low tariff created by Germany for her European neighbors.

Without injury to a single American industry, without eliciting a single murmur of complaint in this country, Secretary Hay secured from Germany a guaranty against discrimination in any article of our export trade. This agreement, so cheaply purchased, was of marked political advantage also. It established more amicable relations than had ever before existed between the German and American peoples.

The immediate effect was a decided increase in our exports to Germany from $155,800,000 in 1899 to $191,800,000 in 1901 and to $249,555,926 in 1910. Our imports from that country in 1910 were $168,805,137.

This reciprocity agreement with Germany was terminated on the 7th of February, 1910.

FURTHER SUCCESS UNDER PAYNE-ALDRICH MAXIMUM AND MINIMUM PROVISIONS.

The Payne-Aldrich tariff contained provisions for the imposition of minimum rates instead of maximum, in the discretion of the President, in return for equivalent consideration from other countries. The minimum rates have been generally granted. Under this policy the exports of the United States increased from a value of $1,744,984,720 in the year ending June 30, 1910, to a value of $2,204,422,409 in the year ending June 30, 1912, and imports increased in the same period from $1,557,819,988 in 1910 to $1,653,264,934 in 1912, an increase in the total volume of international trade from $3,302,804,708 to $3,857,687,343, and an increase in the excess of exports over imports from $187,164,732 to $551,157,475, or a difference of $363,992,743 in two years. We have given reciprocity several brief trials, and in every trial our foreign trade has increased. Our experience has been just sufficient to show that reciprocal trade agreements always find a response in stimulated foreign trade.

OUR FAILURE TO APPLY GENERAL RECIPROCITY TO FOREIGN TRADE DISGRACEFUL.

But we can not congratulate ourselves upon our success in building up a foreign trade. As a matter of fact, considering the obvious possibilities, the record of the United States is one of disgraceful failure. Our exports, it is true, almost equal those of Great Britain, but our population is twice as great and our area thirty times as great. Our imports are about half those of Great Britain. Germany, with a population only two-thirds as great and an area one-eighteenth as great, almost equals us in exports and exceeds us by one-third in imports. The volume of exports of the United States is, moreover, still made up largely of foodstuffs and crude materials for use in manufacture, which our prosperity should require us to retain for our own use.

OUR NONRECIPROCAL POLICY EXCLUDES AMERICAN MANUFACTURES FROM FOREIGN MARKETS.

The exports of Great Britain increased from $1,463,000,000 in 1904 to $2,094,467,000 in 1910, the latest year in which figures for comparison are available, or almost 50 per cent, and the imports from $1,051,000,000 to $3,300,738,000, or over 300 per cent. The exports of Germany increased from $1,242,000,000 in 1904 to $1,778,969,000 in 1910, or more than 45 per cent, and the imports from $937,000,000 to $2,126,322,000, or more than 125 per cent. The exports of the United States increased from $1,117,000,000 in 1904 to $1,744,984,720 in 1910, an increase of 56 per cent, and the imports increased from $731,000,000 to $1,557,819,998, or 109 per cent. Of the increase in the exports of the United States, however, 25 per cent was in exports to North America, and over 20 per cent was in agricultural products, which should be required at home by reason of expanding manufactures. Whereas a considerable part of the volume of exports from the United States is still made up of agricultural products only about 11 per cent of the merchandise sold abroad by Germany can by the most liberal construction be classified as such. Great Britain, moreover, sends forth nothing of this class that cuts an appreciable figure. In 1904 the manufactures of Great Britain, our closest competitor, constituted 82 per cent of her sales to foreign countries, while farm products, including wool and hides, accounted for only 3 per cent of

the remainder. Almost one dollar in every three which came to Great Britain from her foreign business was paid for textiles, while the United States received for these out of every dollar only 2 cents. Some 65 per cent of our total exports in 1904 are represented by the seven items—cotton, provisions, breadstuffs, mineral oils, lumber, copper, and animals. Raw cotton alone represented 25 per cent.

FIFTY-EIGHT MILLION DOLLARS THE TOTAL INCREASE IN SEVEN YEARS OF AMERICAN EXPORTS TO THREE-FOURTHS OF THE EARTH.

Our growth in exports to Europe was from $1,057,930,131 in 1904 to $1,308,275,778 in 1911, or less than 25 per cent, as against an increase in exports to North America from $234,909,959 in 1904 to $457,059,179 in 1911, or almost 100 per cent. The exports from the United States to Asia and Oceania in 1904 aggregated $93,002,028, but in 1905 they reached $161,584,046, which figure they never reached again, being in 1911 only $151,489,741. The decrease from the 1904 total exports to Africa and other countries of $24,230,126 varied each year, the figure in 1911 being $23,600,607. The increase of exports to South America was from $50,755,027 in 1904 to $108,894,894 in 1911. This increase of $58,000,000 in exports to South America represented the total gain in the exports of the United States to three great continents during the most progressive period of their history out of a total gain in exports of $896,549,000, or about 6 per cent increase in exports to an area outside of the North American Continent equal to more than three-quarters of the earth. The percentage increases, moreover, in the foreign trade of the United States are calculated upon aggregates representing beginnings disgracefully small. Despite these apparent increases the painful truth is that in foreign trade the United States of America, the greatest and most progressive nation on earth, has not made a start.

GAIN ELSEWERE LIMITED TO "DUMPED" PRODUCTS OF MONOPOLY.

Practically the only American manufacturers getting a substantial share of the trade in foreign markets are those enjoying a domestic monopoly, and even they are required in most cases to sell their products in the foreign market at a far less price than the American people pay for them at home. The proportion of these products in our total exports is very large. Exports of manufactures of iron and steel, for example, including agricultural implements, practically all of which manufactures are monopolized in the United States and sold abroad at lower prices than at home, aggregated in 1912, $273,794,267, or almost 14 per cent of our total exports.

WE ARE HOPELESSLY OUTSTRIPPED IN LATIN AMERICA.

Our failure is most conspicuous in Central America and South America. Until 1904 our exports thitherto remained practically stationary for 20 years, and to some countries we now sell less than we did 8, 10, and 15 years ago. But the purchases of the countries in this territory have not remained stationary. The markets, always potentially great, have expanded under the efforts of European interests.

In 1904 we supplied less than 13 per cent of the $374,000,000 bought in that year by South American countries. This means that South America spent $7 in Europe to every $1 in the United States. In 1904 the South American countries took a less percentage of our total exports than in 1870. Yet South America presents a market of 45,000,000 people.

AFRICA BUYS ALMOST NOTHING FROM US.

In 1904 the total import of Africa was greater than that of all North America, but we supplied only 5½ per cent of it. And Africa presents a market of 170,000,000 people.

OUR EXPORTS TO ASIA INSIGNIFICANT.

In Asia, too, but for the improvement in the Japanese and Chinese trade, the showing would now be paltry. The total jump was made in one year, and it was almost 100 per cent upon the small total of our trade at that time. In China, in 1904, we sold less than 8 per cent of the total import, and in Japan less than 15 per cent, yet these two countries present a market of 475,000,000 people. Had each of these in 1903 bought 10 cents' worth from us during the year, our export would have been $8,000,000 more than it was. Compare this with the fact that the purchases of Cuba from us at that time averaged $15 per head per annum and from Canada $23 per head per annum.

ONE BILLION CUSTOMERS BUT NO BUSINESS.

These are the bases upon which the illusory percentages are figured. These are the true facts as to American progress in markets containing more than 1,000,000,000 potential customers outside of North America and Europe. Asia and Oceania alone contain 900,000,000 inhabitants. Our rivals sell them twelve times as much as we sell them. It is estimated that our total exports of merchandise to all South America, Oceania, and Asia combined brought in 1904 a per capita return to the people of the United States of less than 15 cents a month. The British East Indies, with a population of three and a half times that of our own country, spend 98½ cents out of every dollar with other countries than the United States.

RECIPROCITY THE REMEDY FOR THE RESULTS OF EXCLUSION.

The conditions which have been set forth are the result of a deliberate policy of exclusion adopted and maintained by the Government of the United States for a half century. These conditions can be brought to an end only by a deliberate policy of commercial reciprocity. The large quantities of sugar, wool, flax, and many other food products that we import from abroad do not come into competition in the ordinary sense with the domestic products. In many of these things we are not, and there is no indication that we ever shall be, able to supply our domestic demand from domestic sources. In some most important articles, like wool, hides and skins, lumber, and sugar, the domestic supply as compared with the demand, or even the consumption, is lessening all the time. Yet we have been unwilling to give either the domestic buyer or the foreign seller the benefit of any reduction in duties on this class of articles.

SUPERFLUOUS PROTECTION DESIGNED TO CLOSE FOREIGN MARKETS TO AMERICAN PRODUCTS.

The result of the policy of high protection has been threefold, and it has been ruinous in every way. The tax on imports has been made a burden on production equivalent to a tax on the exportation of the goods into the cost of producing which the tax enters. Instead of a means of keeping foreign products out of the United States, it has become primarily the means of keeping the products of the United States out of foreign markets. The tax on imports has become a tax on exports. This policy has also established an artificial price level, which has kept our products, without any advantage to the United States, out of foreign markets. And it has left unused the quid pro quo which we might offer, with benefit, in addition, to ourselves, of admission for the products of foreign countries free to our markets in exchange for admission of some of our products to theirs.

EXCLUSION DESIGNED FOR THE ADVANTAGE OF MONOPOLY.

As a matter of fact, American manufacturers are producing almost everything to-day cheaper than their foreign competitors. It is clearly obvious that the only need American manufacturers have of a tariff is to protect them in high exactions from American people. The sale of American goods abroad at a lower price than that demanded of domestic consumers is a fixed rule. The total cost of "making the market" is charged to the American consumer, and the sales cost is a considerable proportion of the retail price, on many articles as much as one-half. The establishment by fair competition of a reasonable price level would reduce the sales cost or cost of distribution in both the home market and in foreign markets. How much more could be sold in the foreign markets if only a reasonable "one-price" level were established and the import tax, which works as an export tax, were abolished. The average manufacturer would accept willingly a reduction in duties if he could be assured that a steadier and greater volume of sales would result. Every expansion of American industry beneficial to the people has resulted from such reductions. They have been too rare.

REDUCTIONS SHOULD BE MADE TO BENEFIT ALL.

Some Massachusetts shoe manufacturers were alarmed at the sale in this country of a small order of English shoes as a result of the recent reduction of the protection on shoes from 25 per cent, until it was pointed out that the same reduction was followed by an enormous increase of exports of Massachusetts-made shoes.

There is no reason why our people should not have the peculiar kind of shoes bought from England, nor any reason why our manufacturers shouldn't be challenged to make them. That is the best possible lead for manufacturers who desire to capture foreign markets.

In the same way there is no reason why the Dutch standard of color should be maintained in the tariff on sugar to keep out the low-priced pure dark sugar, which our people were formerly glad to use, just to give the Sugar Trust a monopoly of sugar refining.

Tariff reduction is therefore desirable in itself; reductions should be made wherever fairness and the common interest will permit them.

GETTING SQUARE WITH BIG BUSINESS A DANGEROUS BASIS OF REDUCTION.

The recent general increases in exports are made up largely of the products of the great monopolistic combinations. They have not been beneficial to American industry generally or to the people, and have resulted from superfluous rates of duty. The present high tariff has unquestionably fostered monopoly. The Democratic Congress is undoubtedly resolved upon a tariff policy that will punish the monopolies for their exactions from the people. But such a policy will surely result in two years or four years of depression under ill-considered tariff legislation, to be followed by a popular rebuke to the Democrats for giving their attention to a rebuke to the monopolies instead of to the interests of the people, and the tariff will be made a political football for years to come. Emphatic notice should be served upon them that no rate in the existing tariff law should be changed unless it can be shown that such change will open up new markets to American industry, reduce the cost of production at home, or benefit the great mass of the American people.

Manufacturers must readjust their business to every change in the tariff, and impending tariff changes are always regarded with apprehension by the business world and attended by commercial depression and hard times.

There is no justification for any tariff change which brings about such results. Such results are absolutely unnecessary. Tariff changes in the future should be such that they will be looked forward to by manufacturers as an assurance of new and favorable markets for their goods, or of opportunities to reduce the cost of production, by the commercial world as indications of better times, and by the people generally as a means of reducing the cost of living. Every tariff change should have its quid pro quo for the people, and no legislator should dare to lay a finger upon existing rates except for the benefit of the people.

FOREIGN TRADE AND MERCHANT MARINE GO TOGETHER.

The same neglect which has resulted in our lack of foreign trade has caused us to be without an adequate merchant marine. We have abandoned the foreign markets and the carrying trade to other nations. The two go together. The total foreign trade of Great Britain for 1910 was $5,395,205,000; the foreign trade of the United States for that year was $3,302,804,708. The tonnage of the merchant navy of Great Britain in 1910 was 19,133,870; that of the United States for that year was 7,508,082. It is reasonable to suppose that an increase in our foreign commerce will result in an increase in our carrying trade and the establishment of an adequate American merchant marine.

BOTH MAKE FOR INTERNATIONAL PEACE.

Even if peace is to be preserved only by war, the enlarged merchant navy which an expanding foreign trade will produce is absolutely necessary. But in any case a merchant marine is a better aid to international peace than warships, and commercial relations of mutual profit which produce the merchant navy are a surer guaranty of international friendship than treaties of peace or of arbitration.

It is the duty of Congress to adapt its readjustment of tariff schedules through provision for reciprocal commercial agreements to the purposes of international peace. This may be done at the same time and by the same provisions by which our foreign commerce and our merchant marine are to be built up.

FOREIGN TRADE AND THE MERCHANT MARINE THE SOLUTION OF THE CURRENCY PROBLEM.

But all trade relations are reducible to terms of money. The test of an economic system is the financial system it produces. If Congress can not correct evils in the financial system of the United States through tariff changes, no changes would better be made. The protection which has kept our products out of foreign markets has been an irresistible inducement to domestic competitors, limited to the home market, to combine to restrict production in that market and thereby to secure the total margin of price between the low price level, where domestic competition ceases, and the high level, where foreign competition begins. This kind of protection has been the shelter for the exactions of monopoly and the real cause of almost all restraint of trade. The tariff has been the mother of trusts, but the tariff combine has been the trust of trusts. The monopolized industries of the United States have come into the power of the so-called money trust, which has a monopoly of credit. The tariff has, in the same way as credit, been turned by natural evolution and concentration from its original purpose of stimulating domestic production to a means of holding American industry within such limits as suit the private interests which, as the political trust, has heretofore enjoyed and may hereafter enjoy the power, based upon its control of the tariff and monopolized industries and as the basis of such control, to manipulate credit.

A VOTE AGAINST RECIPROCITY A VOTE FOR THE SO-CALLED MONEY TRUST.

Now, the basis of credit is gold. With the abandonment of our foreign trade and the carrying trade we abandoned our share in the control of the world's gold supply. By reason of our failure to secure markets for the potential products of our vast producing machinery we do not export enough to pay the interest on foreign money invested in the United States. We are a debtor Nation. We lend no real money; we control no real money. Our financiers do not represent us, but a foreign money power. Their tariff policy has not been inconsistent with their obligation to serve their foreign principals. Precisely the trap into which the unwary Democratic legislator is likely to fall is the reduction of duties without reference to the opportunity of American manufacturers generally in the foreign markets and the favoring of importers, without quid pro quo, who are really allied with the foreign interests which profit by our monopolistic tariff policy of exclusion of our own products from foreign markets. The products of the monopolies get to foreign markets, it is true, but at a low price level, for which American industry generally and the American consumer must compensate in the payment of artificially high domestic prices. The purpose of tariff reductions should be to bring about as low a price level at home as that met by our monopolies in foreign markets, so that not foreign consumers and foreign producers may profit from those prices but our consumers and our producers as well, and so that all may enjoy equal opportunities to get trade in foreign markets.

Under such a system our merchant marine will expand, and we shall retain part of the $300,000,000 in freight money paid by us to foreign shipowners for carrying freight originating and controlled in large part in the United States and the amount to be added thereto by the expansion of the carrying trade of our merchant marine. Freight money means gold, and a free American merchant marine means an unconcentrated American control of gold, the basis of credit. Since it is universally conceded that the chief difficulty in our financial system is the concentration of the control of credit and the unreal and therefore inelastic basis of our banking credits represented by bonds which, as the President says, the Government made the basis of our banking and currency system 50 years ago only that it might market them, it is evident that the real remedy for the evils of our banking and currency system is to draw a share of the world's gold to our banks through the earning of freight money in the carrying trade and the expansion of our foreign trade to that end through reciprocity. It is in this same way, and in no other, that proper financial credit is to be apportioned to agricultural enterprise and the grip of the so-called Money Trust on natural resources, through their use of other people's money and their monopoly of credit, is to be loosened. In all these things the legislator's mind should dwell upon the quid pro quo for the whole American people and the application of the principle of reciprocity, for that is the beginning and the ending of the true method of tariff making in the interest of the American people.

RECIPROCITY AND THE PANAMA CANAL THE BEGINNING OF A NEW ERA.

The opening of the Panama Canal will inaugurate a new era in commercial history. Distances hitherto almost prohibitive of trade will be utterly annihilated. The ends of the earth will be brought within reach of one another for the transportation of commodities. The American people should celebrate this event by bringing their industries, through reciprocity, into communication with the most distant markets and preparing to share in the tremendous increase of foreign trade to which the opening of the canal will give its impetus. The policy of reciprocity is just as workable as the policy of high protection or the policy of free trade. The main difference between these policies and the policy of reciprocity is that reciprocity alone aims neither at retaliation nor in the abandonment of the power to retaliate, but at the recognition of that power in others, and at the use of that power not for mutual damage but for mutual benefit.

THE LEGISLATURE'S DUTY TO MEMORIALIZE CONGRESS.

Gentlemen of the general court, a large majority of you are Republicans. Yet you stood with the Democrats in the political revolution which we have witnessed for a common principle. If you had not done so this revolution would not have been brought about. You know that Democratic victory in the last election was a declaration for protective downward revision through the application of the policy of general reciprocity—the Massachusetts plan of constructive tariff reduction. But you also know that precisely the reverse of this plan is likely to be put into effect by the Democratic Congress, a nonprotective, tariff for revenue only, unreciprocal, destructive upward and equally destructive downward revision. It is your right, it is your privilege, it is your duty to memorialize Congress in behalf of this Commonwealth against such a peril to the interests of Massachusetts. The President has invited all, irrespective of party allegiance, to cooperate with him in the purposes outlined in his inaugural address. Sound tradition and good principle justify a memorial of a State legislature to Congress. I recommend that through such a memorial you communicate to Congress the desire of the people of Massachusetts that in all tariff making it apply the principle of protective reduction through reciprocity to the end that the tariff question may be put in the way of permanent settlement and a progressive policy of development of American commerce entered upon.

WHAT RECIPROCITY AND PROTECTIVE REDUCTION WILL DO.

Let the United States get her foodstuffs free of duty and free raw materials for her industries and her manufacturers will not only not ask for unreasonable rates to protect their manufactured products, but will soon give willing consent to constant reductions until a fair trade basis, the equivalent of a free-trade basis, shall be, if ever, safely reached. Equal opportunity in the home market and a fair chance in the foreign market is all that the American manufacturer asks. With the reduction of the tariff will come an expansion of our foreign trade. When we have secured the foreign markets, concern for the home market will be past. Unless we gain the foreign markets the home market will cease to expand to its normal measure. Increased exports will bring about the establishment of an American merchant marine. The drawing of American freight money to our banks will strengthen our financial position, give us profits that we now abandon to other nations, and furnish us with a basis of a sound monetary system. The carrying trade is thus an integral part of a national system of industry and commerce. Free intercourse with other nations has a value in itself. A merchant marine is a better aid to international peace than warships, and commercial relations of mutual profit are a surer guaranty of international friendship than treaties of peace or of arbitration. With the policy of reduction should be coupled, therefore, a program of reciprocal trade agreements with all nations. To fail to reduce the tariff and to abandon reciprocity at this time is to abandon the future of American commerce, to give up hope, and to give way to complacency—or despair. The Republican attitude assumed that there are no more markets open to American producers. We should say most emphatically that to the products of American labor no market should be closed. Take off that part of the price which results from superfluous protection and the demand will be increased 50 per cent in the domestic market alone, and through his new-found power to compete and sensible reciprocity arrangements the American manufacturer will have his share in the new commerce to arise from the opening of the Panama Canal and the American people will have their part in the expansion of every continent on earth.

EUGENE N. FOSS.

The VICE PRESIDENT. The resolutions and accompanying paper will be referred to the Committee on Finance.

Mr. LODGE presented a memorial of sundry cotton manufacturers of New Bedford, Mass., remonstrating against the proposed rates in Schedule I of the pending tariff bill, which was referred to the Committee on Finance.

He also presented resolutions adopted by the Board of Trade of Provincetown, Mass., favoring the repeal of the clause in the Panama Canal act exempting coastwise vessels from the payment of tolls, which were referred to the Committee on Interoceanic Canals.

Mr. WILLIAMS presented a memorial of the Mississippi Choctaw Nation of Indians, relative to their rights as Indian citizens, which was referred to the Committee on Indian Affairs.

Mr. TOWNSEND. I present a resolution of the Legislature of Michigan, which I ask may be printed in the RECORD and referred to the Committee on Banking and Currency.

There being no objection, the resolution was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

House resolution 79.

Whereas a bill has been introduced in Congress (H. R. 27661) providing for the creation of a bureau of farm loans under the control and direction of the Secretary of the Treasury for the purpose of lending money to bona fide tillers of the soil upon farm mortgages, the loans not to exceed 60 per cent of the value of the property and the rate of interest not to exceed 4½ per cent per annum: Therefore be it

Resolved by the house (the senate concurring), That our Senators and Representatives in Congress at Washington be and are hereby requested to earnestly advocate and support said bill; and be it further

Resolved, That a copy of the above resolution be sent to the United States Senators and Representatives in Congress from Michigan.

Mr. TOWNSEND. I present a resolution of the Legislature of Michigan, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

House resolution 110.

Whereas the War Department has under consideration the matter of the concentration of the United States troops in larger bodies than heretofore and at places more centrally located, and consequently the abandonment of many of the existing Army posts, among which is the new Army post of Fort Brady at Sault Ste. Marie, Mich.; and

Whereas Fort Brady is now one of the best and most modern Army posts in the United States, advantageously situated and comprising 80 acres of land, with present accommodations for four companies of soldiers, having ample grounds for the accommodation of a regiment or more, and convenient to it approximately 50,000 acres of State and Government lands set aside for forest reserve, and admirably adapted for rifle ranges and maneuver grounds; and

Whereas owing to the climatic conditions, with an abundance of pure air and water, Fort Brady is recognized as the most healthful Army post in America, and has a record for the health and recuperation of our soldiers unequaled by any other Army post in the country; and

Whereas the great highway of commerce on the Great Lakes and the highway of commerce between the United States and Canada converge at Sault Ste. Marie, and the commerce passing through this great gateway is of such magnitude that it is of vital interest to our whole country that these highways of commerce be protected, the commerce on the Lakes passing this place having grown from nothing 50 years ago to 72,000,000 tons in the year 1912, and valued in round numbers at $790,000,000, while the commerce by land has also reached an enormous sum; and

Whereas the United States Government has large interests at Sault Ste. Marie, having made vast improvements there and having other improvements in contemplation, and having already expended in the constructions of the great locks and the other improvements about $16,000,000, which with the other improvements now in contemplation and under way will increase the amount to $25,000,000; and

Whereas Fort Brady is situated at the border of our country and on the great highways of commerce, both foreign and inland, by land and by water, a commerce which in its magnitude affects nearly every State in the Union, and the post is, therefore, strategically located for the protection of this great volume of commerce and vast public works from riots and the country's possible future invasions; and

Whereas owing to the large interests of the United States Government centering at Sault Ste. Marie it is important to the country at large that these great highways of commerce and important Government works be protected, and because this is a strategical position for an Army post in case of riots or invasions it is deemed for the best interests of the country that the Army post of Fort Brady be not abandoned, but that it be retained and enlarged to a regimental post: Therefore be it

Resolved by the house (the senate concurring), That it is deemed for the best interests of the State of Michigan and for the country at large that the Army post of Fort Brady, at Sault Ste. Marie, Mich., be maintained and enlarged to a full regimental post; and be it further

Resolved, That our Senators and Representatives be, and they are hereby, requested to use all honorable means to secure the continuance of Fort Brady as an Army post, and to have the same increased to a full regimental post; and be it further

Resolved, That a copy of these resolutions be presented to the Secretary of War and to each of our Senators and Representatives in Congress.

Mr. TOWNSEND. I present a resolution of the Legislature of Michigan, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

House resolution 57.

Whereas the so-called "inland route," comprising the waters known as Cheboygan River, Mullett Lake, Indian River, Burt Lake, Crooked River, and Crooked Lake is, and has been for seven years and upward last past, under the jurisdiction of the Federal Government; and

Whereas during such time nothing has been done by the Federal Government in the way of improving or keeping in proper condition the said inland route; and

Whereas the said inland route as a highway of navigation is of great importance to the people of Michigan, the same being known throughout the country, not only as an avenue of commerce, but for its beautiful natural scenery, and being traversed by thousands of people each year; and

Whereas, owing to the neglect and failure of the proper authorities to keep the said inland route in proper condition and to remove therefrom débris and other obstructions, the said route as an avenue of navigation has become extremely dangerous, such condition having resulted in the loss of life: Therefore be it

Resolved by the house of representatives (the senate concurring), That the Congress of the United States be, and is hereby, respectfully requested to take whatever action may be necessary to secure a speedy and practical improvement of the said so-called "inland route."

Mr. TOWNSEND. I present a resolution of the Legislature of Michigan, which I ask may be printed in the RECORD and referred to the Committee on Banking and Currency.

There being no objection, the resolution was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

House resolution 75.

Whereas a bill has been introduced in the United States Senate amending the general national banking laws so that national banks may loan money with real estate as security: Therefore be it

Resolved by the house (the senate concurring), That our Senators and Representatives in Congress at Washington be, and are hereby, requested to earnestly advocate and support a change in the national banking laws to the end that such banks be permitted to loan money on real estate security; and be it further

Resolved, That a copy of the above resolutions be sent to the United States Senators and Representatives in Congress from Michigan.

Mr. DILLINGHAM presented memorials of sundry citizens of Richmond, Montpelier, Burlington, North Bennington, St. Johnsbury, Brattleboro, Marshfield, Waitsfield, Manchester Center, Wallingford, Bellows Falls, Bennington, South Strafford, Craftsbury, Proctorsville, Randolph, Springfield, Rutland, Perkinsville, Barre, Lyndonville, Chelsea, South Ryegate, and Moretown, all in the State of Vermont, remonstrating against the income-tax section of the pending tariff bill relating to the taxation of life insurance companies operating exclusively on the mutual plan, which were referred to the Committee on Finance.

He also presented petitions of the Woman's Christian Temperance Unions of Charlotte, Montpelier, and Bellows Falls, all in the State of Vermont, praying for the closing of the gates of the Panama Canal Exposition on Sundays, which were referred to the Committee on Industrial Expositions.

Mr. WEEKS. I present a petition of 2,500 citizens of the cities of Lawrence, New Bedford, and Fall River, Mass., relating to the tariff. I should like to have the petition read.

The VICE PRESIDENT. Without objection, it will be read.

Mr. SIMMONS. I should like to inquire what paper it is that the Senator desires to have read.

Mr. WEEKS. It is a petition relating to the pending tariff bill, signed by 2,500 citizens of Massachusetts.

Mr. SIMMONS. How long is the petition?

Mr. WEEKS. It will not take half a minute to read it.

Mr. SIMMONS. I wish to say, Mr. President, that while I shall not object to the reading of this petition, as the Senator says it will take only half a minute, I shall object to the reading of memorials which may be sent here with reference to the tariff. I shall not object to their being printed in a proper case, but I think it is unnecessarily taking the time of the Senate to read all the tariff arguments which may be sent here by the various industries.

Mr. WEEKS. In this case——

Mr. SIMMONS. I shall not object.

Mr. WEEKS. It will not take as long to read the petition as the statement the Senator just made has taken.

There being no objection, the petition was read and referred to the Committee on Finance, as follows:

NEW BEDFORD, MASS., *April 24, 1913.*

To the Members United States Congress, Washington, D. C.:

We, the undersigned, residents of New Bedford and vicinity, earnestly petition that the rates in the new tariff bill be sufficient to equalize the difference in cost of production in the United States and foreign countries.

We are especially interested in the cotton schedule.

Mr. GALLINGER presented a memorial of sundry citizens of Webster, N. H., remonstrating against a reduction in the duty on agricultural products, which was referred to the Committee on Finance.

He also presented petitions of T. B. Bailey, of Lyme; J. C. Peaslee, of Plymouth; Charles R. Cogswell, of Concord; and Edward W. Wild, of Lancaster, all in the State of New Hampshire; of Herman E. Blair, of Washington, D. C.; E. H. Close and A. F. Mitchell, of Toledo, Ohio; H. G. Chapman and Arthur Todd, of Aurora, Ill.; E. A. Miller, of Huntingdon, Pa.; H. G. Rockwell, of Argos, Ind.; Bolling Sibley, of Memphis, Tenn.; E. H. Rogers, of Philadelphia; Charles E. Walton and William Ford, of Frankford, Philadelphia, Pa.; W. A. Day, president of the Equitable Life Assurance Society of New York; Lawrence H. Rupp, of Allentown, Pa.; Edward L. Farr, of Wenonah, N. J.; R. C. Schwoerer, of Huntingdon, Pa.; Ruhard Ford, of Frankford, Philadelphia, Pa.; J. Fithian Tatem and J. P. Fenton, of Philadelphia, Pa.; John A. Cranston, of Wilmington, Del.; George K. Kline, of Johnstown, Pa.; Robert Dawes, of Boston, Mass.; J. Walter Rosenberg and C. H. Brown, of Philadelphia, Pa.; Carlota S. Sanborn, of Lancaster, Mass.; T. Frank Bayer, of Huntingdon, Pa.; and Charles H. Button, of Frankford, Philadelphia, Pa., praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

Mr. BRISTOW presented a petition of sundry citizens of western Kansas, praying that Federal aid be given for the irrigation of land in the semiarid part of that State, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. WORKS presented a petition of sundry citizens of Los Angeles, Cal., praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which was referred to the Committee on Finance.

Mr. NELSON presented petitions of sundry citizens of St. Paul, Lucan, Clarissa, and Thief River Falls, all in the State of Minnesota, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

He also presented a petition of the Iron Range Brewing Co., of Tower, Minn., praying that barley and malt be placed on the free list, which was referred to the Committee on Finance.

Mr. O'GORMAN presented a petition of sundry citizens of New York, praying for the enactment of legislation granting medals to survivors of the Battle of Gettysburg, which was referred to the Committee on Military Affairs.

Mr. GOFF presented petitions of Harry L. Heintzelman, of Fairmont; John W. Boon, of Lindside; Cecil Ward, of Wheeling; A. T. Arnold, of Wheeling; Lloyd A. Flanigan, of Parkersburg; T. L. Sullivan, of Folsom; C. E. Batson, of Parkersburg; I. O. Cochrane, of Wana; W. B. Batson, of Parkersburg; John T. Carter, of Elm Grove; Fred W. Edele, of Wheeling; Rufus M. Kline, of Morgantown; H. P. Tracy, of Union; A. K. Thorn, of Clarksburg; E. B. Bailey, of Linn; J. D. Foster, jr., of Charleston; D. J. Hunter, of Morgantown; Charles F. Hateley, of Follansbee; H. L. Judge, of Wellsburg; C. W. Rexroad, of Harrisville; C. M. Fenton, of Marting; S. J. Kennedy, of Fairmont; H. H. White, Terra Alta; Carl H. Hunter, of Moundsville; W. W. Van Winkle, of Parkersburg; H. N. Eavenson, of Gary; J. J. Lincoln, of Elkhorn; T. S. Walley, of Wheeling; F. E. Armbruster, of Wheeling; R. B. Nay, of Wheeling; Walter Barger, of Clarksburg; E. R. Parker, of Point Pleasant; J. H. Henderson, of Clarksburg; Peter Henigen, of Farmington; Howard N. Eavenson, of Gary; George W. Fox, of Wheeling; Charles Klein, of Wheeling; C. L. Ritter, of Huntington; Herbert Frankenberger, of Charleston; Horkheimer Bros., of Wheeling; Henderson & McCann, of Wheeling; the Bloch Bros. Tobacco Co., of Wheeling; H. F. Behrens Co., of Wheeling; George R. Taylor Co., of Wheeling; Dr. J. S. Nedrow, of Bruceton Mills; A. T. Arnold, of Wheeling; N. G. Keim, of Elkins; V. L. Highland, of Clarksburg; John E. Dornan, of Clarksburg; R. A. Roger, of Buckhannon; C. E. Eson, of Clarksburg; Thomas B. Sweeney and Nellie K. Sweeney, of Wheeling; J. C. Brady, of Wheeling; Wells Goodykoontz and Irene Goodykoontz, of Williamson; George M. Kyle, A. G. Chrislip, Excell E. Fair, W. R. Pierson, M. R. Post, S. MacAdam, R. E. Gill, Dr. H. R. Fairfax, J. M. Jacobs, R. P. Andrews, F. M. Archer, George B. Stocking, and Howard Hazlett, of Wheeling; C. S. Riggs, of Fairmont; E. M. Davis, of Spencer; W. E. Utt, of Progress; E. L. Day, of Princeton; S. P. Norton, of Wheeling; C. T. Bailey, of Charleston; C. C. Dodd, of Charleston; W. A. Johnson, of Charleston; B. J. Simson, of Charleston; W. K. Thudium, of Charleston;

W. L. Kenley, of Charleston; J. G. McCay and J. G. Pettit, of Weston; J. Jefferson, of Wheeling; Nooman Jackson, of Logan; J. C. Alderson, of Logan; C. A. Potterfield, of Charleston, all in the State of West Virginia, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause in the pending tariff bill, which were referred to the Committee on Finance.

Mr. McLEAN. I present resolutions adopted by the executive board of the Connecticut Leaf-Tobacco Association at a meeting held in Hartford, Conn. The resolutions are very brief, and I ask that they be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolutions were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

HARTFORD, CONN., *May 10, 1913.*

At a meeting of the executive board of the Connecticut Leaf-Tobacco Association the following resolutions were unanimously adopted:

Whereas the leaf-tobacco industry of the State of Connecticut will be seriously affected on account of the proposed new tariff law, known as the Underwood bill, and especially that part relating to the free entry of the products of the Philippine Islands, Schedule F, paragraph C, page 196; and

Whereas should this measure become a law it would be the means of reducing the price of the product of the grower of tobacco in this State and also the price of labor in all branches of the cigar and tobacco trade in the United States, the difference in the cost of labor between the Philippine Islands and this country being so great; and

Whereas the climatic conditions of the Philippine Islands are such that the culture of tobacco in those islands could be greatly increased at so low a cost that the grower, manufacturer, and the workman of this country could not exist: Therefore be it

Resolved, That we, as tobacco merchants of the State of Connecticut, earnestly protest against the passage of this measure; and be it further

Resolved, That we notify our Representatives and Senators of our action and ask them to use every means in their power to defeat this unjust and unfair measure, which will directly affect over 1,000,000 people.

BENJAMIN L. HAAS, *President.*
MAURICE HARTMAN, *Secretary.*

Mr. McLEAN presented petitions of sundry citizens of Hartford, New Haven, Bridgeport, Norwalk, Waterbury, Norwich, Meriden, Stamford, Berlin, Clinton, Derby, and New Britain, all in the State of Connecticut, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

He also presented a petition of the Hubert Fischer Brewing Co., of Hartford, Conn., praying that barley and malt be placed on the free list, which was referred to the Committee on Finance.

PANAMA CANAL TOLLS.

Mr. O'GORMAN. I ask leave to have printed as a Senate document an address recently delivered by Richard Olney on the Panama Canal toll question. (S. Doc. No. 33.)

In the same connection I ask leave to have printed as a Senate document an address delivered on the same subject by Chandler P. Anderson, formerly counsellor for the Department of State, before the American Society of International Law. (S. Doc. No. 32.)

The VICE PRESIDENT. If there be no objection, the order to print will be made as requested.

RANSOM OF MISS ELLEN M. STONE (S. DOC. NO. 29).

Mr. O'GORMAN. I ask to have printed as a Senate document a message from the President of the United States of March 27, 1908, relative to the repayment of money contributed for the ransom of Miss Ellen M. Stone, missionary in Turkey.

The VICE PRESIDENT. Without objection, the order to print will be entered.

ADDRESS BY DR. HANNIS TAYLOR (S. DOC. NO. 31).

Mr. VARDAMAN. At a meeting of the American Society of International Law, held in this city on the 26th of April last, a very interesting paper was read by Dr. Hannis Taylor on "What is the international obligation of the United States, if any, under the treaties, in view of the British contention?" I ask that the paper be printed as a public document.

Mr. SMOOT. I did not hear what the Senator from Mississippi said was the title of the article.

Mr. VARDAMAN. Dr. Taylor responded to the toast "What is the international obligation of the United States, if any, under the treaties, in view of the British contention?" It is a very able paper.

The VICE PRESIDENT. Without objection, the paper will be printed as a public document.

PROGRESSIVENESS OF THE UNITED STATES SUPREME COURT (S. DOC. NO. 30).

Mr. LODGE. I ask that the paper which I send to the desk may be printed as a public document. It is a compilation by Mr. Charles Warren, a distinguished lawyer of Boston, in regard to certain decisions of the United States courts relative to recent legislation. It is a very valuable compilation and is brief.

The VICE PRESIDENT. If there is no objection, that order will be made.

Mr. FLETCHER. I did not hear the request of the Senator from Massachusetts as to the paper he desired to have printed as a public document.

Mr. LODGE. It is an article which appeared in the Columbia Law Review, April, 1913, and is really a compilation of all the recent decisions under the pure-food law, under the antitrust laws, and under the railroad laws. It is a very useful and brief pamphlet by a lawyer of distinction.

The VICE PRESIDENT. If there is no objection, the request of the Senator from Massachusetts will be granted. The Chair hears none.

RECALL OF JUDICIAL DECISIONS (S. DOC. NO. 28).

Mr. NELSON. I have a brief article by Ezra Ripley Thayer, dean of the law school of Harvard University, taken from the Legal Bibliography of March, 1913, on the "Recall of judicial decisions." I ask that the article be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

THE ASSOCIATED PRESS (S. DOC. NO. 27).

Mr. SMITH of Michigan. I have a brief paper, being a very interesting official statement by the president of the Associated Press, Mr. Frank B. Noyes, which has been made with some care and thoroughness, showing the aims, objects, and purposes of that organization. I ask that the statement be printed as a public document, and also that it be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

THE ASSOCIATED PRESS.

(By Frank B. Noyes, president of the Associated Press.)

Probably no institution is more widely known by name than the Associated Press, and, on the other hand, more vaguely understood by the public generally as to its organization and its functions. For whatever cause this may be, that it is a fact is daily apparent.

The Associated Press is an association of something over 850 newspapers, operating under a charter of the State of New York as a mutual and cooperative organization for the interchange and collection of news. Under the terms of its charter "the corporation is not to make a profit nor to make or declare dividends, and is not to engage in the business of selling intelligence nor traffic in the same."

In other words, the Associated Press is simply a common agent of its members by which they arrange an interchange of the news that each collects and is bound by its membership obligation to contribute for the common use of its fellow members and also as the agency through which reports of foreign and certain classes of domestic happenings are collected and distributed to the newspapers served by the organization.

The fact that in the present year we celebrate the twentieth anniversary of the first nation-wide cooperative and nonprofit-making news-gathering organization in the world seems to make the publication of something respecting it timely.

The Associated Press is in no wise the master of the newspapers constituting its membership; it is distinctly their servant.

Its board of directors is composed of active newspaper men chosen at annual meetings by the membership, and, in an experience running through 20 years of legitimate connection with the present organization and also that of the older Illinois corporation, I have never known an instance in all the changing personnel of boards of directors when there was any departure from the most rigid observance of the highest obligations of trusteeship and disregard of private and selfish interests. The president, vice presidents, and members of the board of directors serve without salaries.

The Associated Press of to-day is the outcome of a many-year struggle between two opposing systems. One, that of news-gathering concerns with private or limited ownership, which dealt at arm's length with newspapers to which they sold news at such profit as might be secured and over which the newspapers who bought from them had no more control than over the paper mill supplying them with print paper.

The other system is based on the theory that a powerful, privately owned and controlled news-gathering agency is a menace to the press and people.

Determined to establish an agency subject only to the control of the newspapers for whom it acted, in 1893 a group of western men composing the Western Associated Press began a fight to attain this end, and since that time a contest between these two opposing principles has been waged. In asserting that the Associated Press, as to-day constituted, is the servant and agent only of the newspapers for which it acts I have no thought of minimizing the tremendous importance of the work it does as such an agent, but wish simply to emphasize the thought that properly speaking it has no entity of its own, no mission save to serve its members.

Its members are scattered from the Atlantic to the Pacific, from Canada to the Gulf, and represent every possible shade of political belief, religious faith, and economic sympathy. It is obvious that the Associated Press can have no partisan nor factional bias, no religious affiliation, no capitalistic nor prolabor trend.

Its function is simply to furnish its members with a truthful, clean, comprehensive, nonpartisan—and this in its broadest sense—report of the news of the world as expeditiously as is compatible with accuracy and as economically as possible.

To do this the newspapers composing its membership contribute, first, the news of their localities, and, second, weekly assessments of money aggregating about $3,000,000 per annum, with which an extensive system of leased wires is maintained (22,000 miles of wire in the daytime and 28,000 miles of wire at night), bureaus in the principal American

cities supplementing and collating the news of local newspapers and bureaus for the original collection of news throughout the world.

The volume of the news report to members varies greatly, ranging from 500 words daily by telegraph or telephone to papers able to utilize but a small amount of general news matter to more than 50,000 words daily or 35 newspaper columns in the more important cities.

The method of collecting foreign news has been greatly changed in recent years. Formerly the Associated Press collected its foreign service in London, receiving the news there of the Reuter Co., of the Wolff Agency of Germany, and of the Havas Agency of France, with smaller affiliated agencies in Italy and Spain.

The objection to this method was that the news as received in London was alleged to be impressed with an English bias; in any event it was concededly not collected from an American viewpoint.

To meet this criticism the Associated Press has established regular bureaus of its own in all the great news centers, and now maintains offices and staffs in London, Paris, Berlin, Rome, St. Petersburg, Vienna, Tokyo, Peking, Mexico City, and Habana, in addition to hundreds of individual correspondents scattered throughout the world.

It is probable that in the foreign news field the extraordinary genius of Melville E. Stone, the general manager of the Associated Press, has been most strikingly exhibited. Just prior to the Russo-Japanese War Mr. Stone secured from the Czar of Russia the abolition of the censorship, and newspaper men still remember the remarkable frankness with which the Russian Government gave out the news of Russia's reverses in that conflict.

Orders expediting the messages of the Associated Press were issued at his instance by the German, French, Italian, and Russian Governments, and as a result it has come to be common for European capitals to get the first news of Continental events through Associated Press reports cabled back from New York.

One beneficial result coming from this more direct relationship is to be found in the minimizing of the ill effect of the occasional outbreak of some utterly inconsequential German, French, English, or Japanese "yellow" sporadically abusing the United States and its people.

Formerly profound significance of a widespread hostility was attached to such outpourings. With the closer understanding that comes from more intimate knowledge, we now understand the relative importance of the newspapers of other countries as we are able to weigh and grade our own.

The disadvantage of lack of news touch is strikingly apparent in the relations of the United States with the Central and South American nations. These countries secure their news of the United States by way of Europe, and it consists mainly of murders, lynchings, and embezzlements. The antipathy to the United States by the people of these countries is undoubtedly largely due to the false perspective given by their newspapers. If in truth we were the kind of people they are led to believe we are, they would be fully justified in their attitude.

It has been the aim of those intrusted with the management of the Associated Press to secure as its representatives both at home and abroad men of high character and attainments, and it may, I think, be fairly assumed that the reputation for accuracy and fairness that its service enjoys is largely to be attributed to an unusual measure of success in this endeavor.

While the Associated Press is generally held in good esteem, I would not be understood as indicating that it has been exempt from criticism and attack.

If in a campaign all the candidates, or their managers or press agents, did not accuse the Associated Press of the grossest partisanship as against the particular candidacy in which they were interested, those bearing the responsibilities of the service would feel convinced that something was radically wrong, and would look with suspicion on the report themselves.

This is but human nature. During the last campaign for the presidential nominations every candidate, either in person or by proxy, expressed his conviction that the Associated Press was favorable to somebody else.

Mr. Wilson's press agent asserted that our service was pro-CLARK, and in the opinion of Speaker CLARK we had sold out to the Wilson people. Mr. Taft's managers felt that he was not being given a fair show, and Mr. Roosevelt was firm in his conviction that the avenues of information had been choked to his disadvantage.

Of course later we know that Mr. Wilson does not share the only-for-publication views of his press agent, and Speaker CLARK is as emphatic in his withdrawal as in his hasty charges. Mr. Taft's managers realize that the Associated Press can not report speeches that he does not make, and Mr. Roosevelt must see a humorous side to the suggestion that anyone has interfered with his getting a fairly adequate representation on the first page.

With all this, however, goes a fundamental misunderstanding of the functions of the Associated Press. The individual correspondent or reporter for a given newspaper or a small group of newspapers having a common bias may be permitted to indulge in partisanship or in propaganda.

This is absolutely not to be permitted in the Associated Press. No bias of any sort can be allowed. Our function is to supply our members with news, not views; with news as it happens—not as we may want it to happen. Intensely as its management may sympathize with any movement, no propaganda in its behalf can be tolerated. Very jealously indeed does the membership guard against their agency going outside its allotted duties and argus-eyed is the censorship of every handler of our "copy."

It is not, naturally, to be claimed that no mistakes are made. They are made and will be made. But in the very nature of the business, with the heart so worn upon the sleeve, detection very swiftly follows, and the mistakes are few and far between.

The desire to enlist the Associated Press in propaganda or advocacy is usually to be found at the bottom of criticisms of its service. Added to this often is misinformation as to the real facts, and sometimes, though happily rarely, actual malice.

The service from Russia, for example, has been harshly criticized by some who thought that the province of the Associated Press was to undertake a crusade against the Russian Government because of its anti-Semitic attitude. Our theory of our obligations is that we should report the facts as they occur, without fear or favor, but that it is no part of our duty to draw indictments save as the facts alone are damning.

The case of the Koreans charged with a plot to assassinate Gov. Gen. Terauchi has recently been much discussed.

These Koreans were almost all converted Christians, and the American missionaries in Korea were naturally intensely interested in the matter.

It was freely alleged that the Associated Press, unduly influenced by the Japanese Government, had suppressed the fact that these Koreans had made confessions implicating American missionaries as accessories to the plot and had subsequently retracted these confessions, asserting that they had been extorted by atrocious torture inflicted by the Japanese police, the intimation being also that the missionaries were in peril by reason of the repudiated confessions.

Based on this, some of the missionary authorities here became much perturbed, and indeed one of the great New York papers printed news and editorial articles criticizing the Associated Press for the suppression of the matter.

As a matter of fact, an inspection of the news service received by the Associated Press and distributed to its members showed that it carried the full facts—the confessions, the implications of the missionaries, the allegations of torture, the fact that the allegation of torture was believed by the missionaries, and also the fact that the Japanese denied the torture stories and attached no credence whatever to the prisoners' statements implicating the missionaries.

On learning the real situation the New York newspaper in question promptly printed an ample amende honorable, but I do not doubt that many still ignorant of the retraction feel that the Associated Press was guilty of some dereliction.

Another cause of frequent misapprehension is in the general tendency of newspaper readers to attribute anything seen in print to the Associated Press, and it is constantly necessary to explain that some violently partisan or inaccurate article was the work of a "special" and not a part of our service.

Away back in the middle of the last century an alliance, offensive and defensive, existed between the old New York Associated Press, a news-selling organization owned by seven New York papers, and the Western Union Telegraph Co., under the terms of which the New York Associated Press dealt solely with the Western Union, and the Western Union, in turn, gave discriminating rates and advantages to the New York Associated Press.

Although this arrangement (in the light of to-day a very improper one) was abolished more than 30 years ago, many people think that it still exists, and occasionally some one arises fiercely to denounce this unholy alliance.

The simple truth is that the Associated Press has, during all these 30 years and more, paid exactly what other news associations pay and that the rates charged by the telegraph companies for the facilities furnished us are greatly in excess of those charged individual newspapers, and still more than those charged stockholders having leased wires.

The Associated Press leases wires, many thousands of miles of them, from the Western Union, the Postal, the American Telegraph & Telephone Co., and from several of the independent telephone companies.

The first three having a common basic rate, charging us $24 a mile a year in the daytime, and $12 a mile a year at night. For exactly the same wire they charge an individual newspaper $20 and $10, respectively, and a stockholder gets a still further reduction.

Far from receiving discriminatory favors, the Associated Press feels that it is being distinctly and heavily discriminated against.

In these days, when all transactions on a large scale are being subjected to so rigid a scrutiny, it is natural that so conspicuous a mark of public attention as is the Associated Press should not find itself immune from critical inspection.

From time to time some voice is raised denouncing the Associated Press in the same breath both as a monopoly and because it is not a monopoly, and insisting that it become a monopoly by admitting to its membership all desiring its service, the theory being that in some way the activities of the association impress it with a public use and subject it to the obligation of a common carrier to serve all comers.

From an ethical standpoint only, then, is there anything improper, unsafe, or unwise in a group of newspapers, large or small, associating themselves together to do a thing that each must otherwise do separately and of reserving to themselves the right to determine to what extent the membership of such a group shall be enlarged?

It does not seem possible to hold fairly that a newspaper in New York may not join with one in Chicago and one in Philadelphia to maintain a common correspondent in Washington without making it obligatory on these three newspapers to share the fruits of their enterprise with other New York, Chicago, and Philadelphia newspapers.

If, in addition, they arrange that each shall supply the others with the news of its home city, is it within the bounds of reason that they are required to furnish to competitors the same facilities?

I give this illustration because that is exactly the relation of the newspapers composing the Associated Press, the scale only being enlarged.

The obligations of a common carrier are, however, in no wise dependent on the magnitude of its transactions. The ferry sculled across a stream is just as much impressed with a public use as is the Pennsylvania Railroad. Each is a common carrier. It is the nature of the transaction and not its size that determines its obligations. As respects the question of common carriership, what is right for 3 to do is proper for 300 or for 800 to do.

To compel the Associated Press to assume an entity of its own and to serve all comers would in my judgment bring about a condition fraught with the gravest dangers to the freedom of the press and in turn to the freedom of the people.

At present about one-third of the daily newspapers of the country are represented by membership in the Associated Press.

There are a number of concerns engaged in the collection and sale of general news to nonmembers of the Associated Press, and in one way or another they supply their customers with what are declared to be satisfactory services.

In nowise desiring to become anything approaching a monopoly, the Associated Press has avoided even the appearance of any competitive price rivalry, admitting additional members solely on the ground of a common benefit to the members of a cooperative institution.

If by some occult reasoning the Associated Press could be held as a common carrier, these news-selling organizations would be wiped out and the Associated Press would, if the end sought for was accomplished, become a real monopoly, and the incentive for cooperation no longer existing, it would naturally drift into a concern for pecuniary profit in private ownership and subject to private control.

No more dangerous situation can well be imagined than the passing of the control of the greatest news-gathering and news-disseminating agency of the world from the hands of cooperating newspapers to the control of some individual interested in manipulating the news—the master and not the servant of the newspapers.

Because this danger would be so grave it will not come, but for another reason, also a very basic reason.

There can be no monopoly in news.

The day that it becomes apparent that a monopoly in collecting and distributing news exists, that day, in some way, by some method, individual newspapers or groups of newspapers will take up the work of establishing a service for themselves independent of outside control.

The news of the world is open to him who will go for it. Anyone willing to expend the energy, the time, and the money to approach it may dip from the well of truth.

The news service of the Associated Press does not consist of its leased wires or its offices. Its soul is in the personal service of human men, of men with eyes to see, with ears to hear, with hands to write, and with brains to understand; of men who are proud when they succeed, humiliated when they fail, and resentful when maligned. The telegraph wires are but the blind instruments of this service, though the wire has brought the uttermost parts of the world marvelously close. These human entities are ranging the world to send word of its doings, of its rejoicings and its sorrowings, to satisfy the thirst of the people for intelligence of the march of events.

The news service of the Associated Press of the horror of Martinique was not the event itself. It was the personal service of a man who at the first hint of the disaster that had wiped out a population took his orders, chartered a boat, and went to Martinique, where no correspondent still lived, and sent a story, his story of the great tragedy, wrecking his health by the effort required.

To get this report, this "news," was open to anyone.

To get it cost the members of the Associated Press more than $30,000, in addition to the human wastage and prodigious effort.

It was a part of the day's work.

And as to-day devoted men labor and die in order that the members of the Associated Press, an organization that neither owns nor prints a newspaper, may lay before their readers a fair picture of the world's happenings, so always will these and other men serve nobly and die bravely that the world may have tidings of sport and festival, of birth and death, of Congress and Parliament, of battle and plague, of shipwreck and rescue.

WASHED PAPER MONEY.

Mr. MARTINE of New Jersey. Mr. President, I again desire to offer, and ask for publication as a document, a number of brief letters I have received relating to the subject of washed money.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Again, Mr. President, on principle I say that these letters should not be printed as a public document, and that the Senator's request should not be granted. I am going to say to the Democratic side of the Chamber that if you intend to start printing at the Government Printing Office this class of matter, I am not going to object at this time; but it is wrong that a lot of letters addressed to a Senator upon one particular subject—587 of them—should be printed as a public document at Government expense upon a subject that is not even before Congress.

I think, Mr. President, that I have previously said sufficient upon this question; but I say to the Senator from New Jersey that I am not going to object to his request to-day. I am going to be content with simply saying that I have done so in the past, and let other Senators decide whether or not they want the Senate to go into this field of printing. The chairman of the Printing Committee is present, and if he desires the Senate to undertake this kind of printing, well and good. I, however, am opposed to it; it is not right.

Mr. MARTINE of New Jersey. It is the privilege of the Senator from Utah to oppose it. I am quite as much in favor of it as he is opposed to it. I say there is no question that more vitally affects the people of this country than the character of our money. It is very well for the distinguished Senator from Utah to declare that he is opposed to it.

Mr. SMOOT. Mr. President, I did not say that.

Mr. MARTINE of New Jersey. But there are 587 cashiers and bank presidents all over this country, representing every State in the Union, who declare that the present system is an abuse.

Mr. CHAMBERLAIN. Mr. President, I rise to a question of personal privilege.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. The Senator from Oregon will state his question of privilege.

Mr. CHAMBERLAIN. I merely wanted to say that I did not feel safe between these two contending factions. [Laughter.]

Mr. MARTINE of New Jersey. It is all friendly.

Mr. SMOOT. I desire to say to the Senator from New Jersey that I do not believe there are 20 per cent of the 587 signers of the letters who have ever seen a washed bill. I want to correct the Senator from New Jersey in the statement that I am opposed to going into this investigation of the question of laundering our currency. I am not opposed to it, as I told the Senator the other day.

Mr. MARTINE of New Jersey. I must beg the distinguished Senator's pardon, Mr. President. I did not say that he was opposed to going into the investigation; but it is tantamount to that. The distinguished Senator from Utah sets himself up in opposition to the opinion of 587 bank presidents and cashiers.

Mr. SMOOT. They have not asked that their letters be printed as a public document, and it is to that that I am making opposition.

Mr. MARTINE of New Jersey. I confess, Mr. President, they have not asked that the letters be printed, but they have written these letters over their own signatures, and they are of very vital importance, involving, as they do, the question of counterfeiting our money or of facilitating the counterfeiting of our money. Now, I ask, in all seriousness——

Mr. OLIVER. I rise to a parliamentary inquiry, Mr. President. What is the order?

The VICE PRESIDENT. The Senator from New Jersey has the floor on his request that certain letters be printed as a public document.

Mr. OLIVER. I ask what is the order of procedure, Mr. President? It is, as I understand, the receipt of petitions and memorials.

The VICE PRESIDENT. Petitions and memorials are in order.

Mr. OLIVER. I call for the regular order.

Mr. MARTINE of New Jersey. I desire to ask what reason or propriety there is that Senators all around me may flood the Senate with propositions to print papers as public documents while I am denied the privilege? This is not my private concern, but it is a matter that affects the whole people. It is not the special position taken by any particular man, but the letters are from various gentlemen. Now, I concede——

Mr. PENROSE and Mr. OLIVER. Regular order!

Mr. MARTINE of New Jersey. I concede, if our friends all around me should present——

Mr. BRANDEGEE. I rise to a point of order, Mr. President. The request for unanimous consent is not subject to debate.

The VICE PRESIDENT. No; the Chair is compelled to state that the Senator from New Jersey is not in order, and to explain that the other matters have gone through because unanimous consent has been granted. There is objection in this case.

Mr. MARTINE of New Jersey. I bow, of course, to the judgment of the Chair; but I will say, Mr. President, if I may be permitted——

The VICE PRESIDENT. Objection has been made to the Senator proceeding further on this question.

Mr. MARTINE of New Jersey. I will reserve to myself the right to read these letters into the RECORD. I am not a very good elocutionist, but I will detain the Senate long enough, if need be, to read them into the RECORD.

PAINT CREEK COAL FIELDS, W. VA.

Mr. KERN. Mr. President, I have a number of communications in the nature of petitions, referring to the resolution providing for Federal investigation of conditions in the Kanawha coal fields, West Virginia. I have a telegram from the secretary of the Pennsylvania Federation of Labor in convention at Reading, Pa.; one from the international executive board of the United Mine Workers of America, held in Indianapolis May 3; a letter from the president and secretary of Local Union No. 1394, United Mine Workers of America, of West Terre Haute, Ind.; one from C. L. Brumbaugh, editor of the Land and Labor, of Altoona, Pa.; also from the local branch of the Altoona Socialist Party of Pennsylvania; one from the secretary of the Ohio Valley Trades and Labor Assemblies; also from sundry citizens of Raleigh County, W. Va.; a letter from the secretary of the Monongahela Valley Trades and Labor Council of West Virginia; a telegram from the secretary of the Glass Workers' Union, of Kokomo, Ind.; a letter from a committee of Local Union No. 2011, United Mine Workers of America, of Clinton, Ind.; one from sundry citizens of Cabell County, W. Va.; a letter from the secretary of Local Union No. 676, United Mine Workers of America, of Chelyan, W. Va.; one from a committee on resolutions of Montgomery, W. Va.; one from a committee of the Clarksburg Local Window Glass Workers of West Virginia; and one from a committee of Local Union No. 298, United Mine Workers of America, of Richmond, Mo. I have also a letter signed by three men who are in jail at Clarksburg, W. Va., having been tried by a military court-martial. A part of this letter, by permission of the Senate, I will read, as it is short. They say:

We, the undersigned, are victims of the unlawful military despotism. Stripped of our constitutional rights, denied a jury trial, forced to face a drum-head court-martial, deprived of our citizenship, reduced to subjects and thrown in jail, where we have been illegally held prisoners since February 10, 1913, this senatorial investigation is the only ray of hope left the crushed and bleeding citizenship of this State. Again urging you to vigorously push the investigation into the deplorable conditions that are a shame to the State, a disgrace to civilization, and a black blot on the fair name of the Nation, in the name of justice and humanity and for the sake of the outraged manhood and womanhood, we beg you to let nothing stop this investigation and win for yourself the undying thanks and gratitude of a long-suffering and oppressed people.

Very respectfully, yours, the victims of this despotism now in the Harrison County jail held incomunicado.

I do not ask that any of the other communications be printed.

The VICE PRESIDENT. The letter and petitions presented by the Senator from Indiana will lie on the table.

TARIFF DUTY ON SUGAR.

Mr. RANSDELL. Mr. President, I send to the desk and ask unanimous consent to have read a letter from a good Michigan Democrat. It contains sound Democratic doctrine.

The VICE PRESIDENT. The Senator from Louisiana sends up a communication and asks unanimous consent that it may be read. Is there objection? The Chair hears none, and the Secretary will read as requested.

Mr. SIMMONS. Mr. President, I announced, a little while ago, that I should have to object to the reading of these arguments upon the tariff made by persons who are not Members of the Senate. I feel that I ought to insist upon that with reference to this argument; but as the Senator from Louisiana advises me that if the Secretary does not read it he will insist upon reading it himself, I do not see that I would gain anything by making that objection.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

LANSING, MICH., *May 2, 1913.*

HON. JOSEPH E. RANSDELL,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to our conversation concerning the tariff when I was in Washington recently, I beg to submit the following statement of my views on the free-sugar provision of the House tariff bill, and the radical departure from historic Democratic fiscal principles which it emphasizes:

* * * * * * *

Are we to have a new Democratic shibboleth? Is free trade to be inscribed on the party gonfalons which erstwhile bore the immortal watchword of free silver?

And as a logical corollary of this interesting evolution in Democratic slogan making is unquestioning acquiescence in the free-sugar program of the House majority to be the test of loyalty to the Democratic Party?

I am led to ask these questions by the regrettably dogmatic and even intolerant tone assumed by some of the leading congressional supporters of free sugar. As we say out in Michigan, these congressional gentlemen are "as cocky as a bee in a buckwheat field" in declaring that all who do not subscribe to the policy of placing sugar on the free list are accursed and unpardonable apostates to the Democratic faith and chiefly engaged in licking the footsteps of the predatory rich.

It is a singular psychological fact that the word "free" seems to cast an hypnotic spell on a certain order of minds in America. It has a fascinating sound that apparently makes a big hit with a large element both of Democratic doctrinaires and of the party rank and file.

But would free sugar really do more toward satisfying the complaints of the consuming public than free silver would have done in alleviating the country's financial ills 20 years ago?

I know that the majority in Congress are deeply concerned in securing a substantial reduction in the cost of living. Everybody, and especially his wife, knows that this has gone up in many instances by intolerable percentages. It is something that appeals to the business and the bosom, but can anybody be perfectly sure that the proposed enlargement of the free list would make any considerable figure in lightening the burdens of the consumer?

As far as sugar is concerned it is amazing that a tariff duty which produces such a splendid revenue should be the especial bete noir of the congressional free-trade contingent, who—to use an expression which is commonly ignored in polite society—are "hell bent" on lowering the cost of living even if both the standard of American living and the standards of Democracy are also lowered at the same time. And one's amazement grows as one considers that alone of the chief table necessaries of the people sugar can not justly be charged with contributing even in the most negligible degree to the high cost of living. A dollar in money will buy a little more—a day's labor or a given quantity of commodities vastly more—sugar to-day than it would before the general rise in commodity prices began. The present retail price of sugar in Washington is 4½ cents a pound, the lowest in the history of the country. Under free trade sugar might sell for 3½ cents a pound, but the probabilities are that very little of it would ever be sold under 4 cents a pound. A cut of one-half cent a pound in the retail price of sugar would mean a saving to the people of about $35,000,000 annually. But granting that they could buy sugar for 1 cent a pound less than at the present time their saving would be about $70,000,000 annually—a very tidy sum. Against this however, must be set down the loss of $52,000,000 in public revenue and the wiping out of an industry in which over $175,000,000 of American capital is invested, and which has added hundreds of millions of dollars to the agricultural wealth of the country. Viewed from a purely economic standpoint, is the "boon" of free sugar worth all it would cost?

I am very far from admitting in the foregoing that taking the duty off from sugar would actually give us cheaper sugar. The only thing we can be absolutely sure of is that it would destroy the domestic industry, as those engaged in that industry would not dare to take the enormous financial risks involved in the possibility of facing both a bad crop season and a demoralized selling market. With the domestic industry out of the equation, it is easy to see what might happen. There are about 1,000,000 tons of sugar produced now in the United States. The sudden cessation of this production would very likely produce a temporary shortage in the supplies of sugar, and in that event the price of sugar would go soaring. That is precisely what happened in 1911, when there was a partial sugar-crop failure in Cuba and also in the sugar-beet growing countries of continental Europe. It was the marketing of the domestic cane and beet sugar in the late fall of 1911 that sent the price down nearly 2 cents a pound in the course of a few weeks. It is only reasonable to assume that but for this competition the eastern refining interests would have maintained the price of sugar at the exorbitant figure which the people were compelled to pay for it during nearly all the previous summer and fall. Indeed, it would have been in their power to put up the price to a still higher figure. In this instance alone the domestic sugar industry saved the consumers of the country millions of dollars. Is it the part of wisdom now to put sugar on the free list and expose to utter extermination an industry which has vindicated its economic legitimacy (not to say indispensableness) in such a signally effective and impressive manner?

I noticed the other day an interview with the president of one of the principal eastern refining concerns in which he frankly stated that free sugar would undoubtedly have a disastrous effect on the domestic cane and sugar-beet industry. But, curiously enough, he carefully refrained from saying one word about the permanent reduction in the retail price of sugar which we are promised as a result of the free-trade policy which is to sound the death knell of the domestic sugar industry. His silence on this phase of the subject was significant—almost as significant as was his confidently expressed opinion that the passage of the House tariff bill would permanently eliminate the domestic competitive industry.

It seems to me that one of the serious reproaches to be made against the proponents of the House tariff bill is that many of them have not the faintest glimmer of appreciation of the magnitude of their task or of the fateful consequences that are likely to flow from it. It was sagely remarked by Artemus Ward that the trouble with Napoleon was that "he tried to do too much—and did it." There is reason to believe that the Democrats in Congress are attempting a similarly impossible feat, and that they will succeed, with consequences that will be disastrous to the party. In the first place, they are promising the people benefits from their tariff legislation which in all human probability will never be realized. In short, they are proclaiming a deliverance that will not deliver. They are holding out the hope that the radical changes they are planning in the tariff will appreciably, if not greatly, reduce the cost of living, when everybody knows, or should know, that there are economic causes wholly outside the tariff that are operating to keep up the prices of many of the chief necessaries of life. Who, for instance, believes that the wholesale free listing of agricultural products will have any material effect in reducing the prices of the people's food? Will it cut down the prices of beef, flour, eggs, or the various other domestic foodstuffs? Except in a pitifully few instances (and the sugar schedule is one of them) the tariff has afforded no protection whatever to the American agriculturist. The prices of farm products have been steadily rising the world over, and tariff or no tariff they will continue to rise so long as the present disproportion between agricultural production and the growth of population is maintained. How then is it going to be possible to effect a very marked lowering of prices by changes in tariff schedules which bear only the most indirect relation to the primary causes of the present-day increases in the cost of living?

I do not wish to be understood as arguing against the desirability of many of the proposed changes in the agricultural schedules. I am merely calling attention to the futility of exciting popular expectation that they will result in an immediate and decided lessening of the burdens of the consuming masses. If despite the enthusiastic claims of the advocates of drastic tariff reductions it should turn out that no positive or substantial benefits accrue to the vast army of homekeepers in our great urban centers, then indeed would the Democratic Party be compelled to face a desperate situation. And if to the disappointment of the consuming public should be added the unrest and resentment which would follow the unsettlement or destruction of any of our great domestic industries, the plight of the party would assuredly be irremediable. It is well therefore that the Democratic Party should take heed lest in accomplishing its work it accomplishes its ruin.

Mr. REED. Mr. President, I should like to inquire how many pages there are of this document.

The VICE PRESIDENT. The Chair is informed that there are 23 pages in all, of which 7 have been read.

Mr. MARTINE of New Jersey. That is just half the number of pages I had.

Mr. REED. I object to the further reading of it.

Mr. RANSDELL. Mr. President, if there is objection to the Secretary reading it, I will finish the reading myself.

The VICE PRESIDENT. The question is, Will the Senate consent to the reading of the document?

Mr. REED. I object.

Mr. GALLINGER. It is for the Senate to decide whether or not it shall be read.

The VICE PRESIDENT. The question is, Shall the document be read? [Putting the question.] The "ayes" have it, and the document will be read.

Mr. REED. Mr. President, a parliamentary inquiry. Does not a single objection stop the reading of the document at this time?

The VICE PRESIDENT. It does not, under the rules of the Senate. It has to be submitted to the Senate, and the Senate decides whether or not a document shall be read. The Secretary will resume the reading.

The Secretary read as follows:

It ought to be unnecessary to remind the Democratic majority that it is better to go slowly than to go wrong; that it is better to effect changes moderately and safely rather than hastily and at the dictate of a caucus, too many of whose members leave their private judgments and consciences where the Mussulman leaves his shoes—outside the door. It is a great thing in statesmanship when you are about to inaugurate new departures in governmental policy which may shock some, disturb more, and make hesitating people hesitate still more—it is a great thing in these circumstances, I say, if you can "make the past slide into the future" without any serious jar to the interests chiefly involved. And in doing these things the party which has been intrusted with the task can afford to be generous to those whom it is obliged to disturb.

A little reflection will convince anyone with gumption enough in him to walk on two legs that no Democratic tariff bill, however skillfully framed or however extensive its free list, can express the totality of the party's aspirations and usefulness. It will do mighty well if it shall express only in a measurable degree either the party's economic purposes or the party's capacity to serve the people. Why, then, should a tariff measure, which is inevitably and admittedly the patchwork product of give-and-take committee confabs and dickerings, be set up

as the test of fealty to Democracy? To ask the question is to expose the utter absurdity of such a test.

It is particularly irritating to be told that your party loyalty is under suspicion because of your adherence to the doctrine of old-fashioned and unsterilized Democracy that a superb revenue raiser like the sugar tariff should have a prominent place in a genuine tariff-for-revenue program, especially when one sees the House advocates of free trade in sugar voting down all amendments intended to reduce the rates in certain manufacturing schedules, which together produce only a paltry three or four millions of revenue, on the plea that they are needed to furnish an adequate income to the Government! For a parallel to such a fatuous performance we shall have to go back to that

"base Indian who threw we pearl away,
Richer than all his tribe."

But the Indian really didn't know what he was throwing away, while the House Democrats know exactly the value of the pearl which they are sacrificing in order to justify the retention of a few dinky "off-color" ones!

It can hardly have escaped the notice of the observant portion of the American public that many of those who are now advocating the wholesale free listing of agricultural products were once among the loudest upholders of the claim that the free and unlimited coinage of silver at the ratio of 16 to 1 would double the prices of farm products and thereby vindicate itself as the most beneficent piece of financial legislation ever proposed by the Democratic Party in the interest of the downtrodden masses. To-day these same infallible Democratic oracles are just as positively assuring us that their free-list program to lower the prices of farm products is an equally indispensable and beneficent pro bono publico stunt, and that all those who do not acclaim it as such will be put out of the pale of the new and expurgated Democracy. Free silver to put up the farmer's prices; free trade to put them down; and both guaranteed as impeccably wise Democratic policies. In view of the awful gee-hawing to which it has been subjected is it any wonder that the poor old Democratic donkey has a calamitous record longer than its proverbial ears?

I have never yet talked with a disinterested Democratic friend of the domestic sugar industry who was not in favor of a substantial reduction of the rates of the present sugar schedule. No one on the Democratic side is opposing a cut that will wipe out any possible excessive profits to either the sugar-beet grower or the sugar-beet manufacturer. Every Democratic argument in favor of reducing instead of entirely removing the duty on sugar is based upon the proposition that a tariff duty which approximates so closely to the historic Democratic ideal of a tariff for revenue should not be cut to a point where it would inevitably destroy an industry dependent upon the incidental—or direct, if you please—protection which it affords. To adopt a policy which absolutely contravenes this proposition is not only to flout one of the most firmly established of Democratic traditions, but would indubitably invite Democratic division and ultimate party disaster. It can not be fitly characterized otherwise than as a reversal of our economic and fiscal policy as wanton and upsetting as a Central American revolution.

I know it is often asserted that the Democratic Party is "pledged" to abandon its traditional policy—a policy, by the way, that has been adopted even by free-trade England—of treating sugar as a legitimate object of tariff-for-revenue taxation and to put it on the free list; but who "pledged" the party to do these things?

I am somewhat familiar with the history of the Democratic Party, but I do not recall a single name in its long roll of seers, prophets, and statesmen which stands as sponsor for such a pledge. Certainly Thomas Jefferson was not its sponsor, for it was during his administration that sugar was made a headliner on the dutiable list. Neither was Madison, or Monroe, or Jackson, or Van Buren, or Cass, or Douglas, or Seymour, or Tilden, or Randall, or "Horizontal Bill" Morrison. Grover Cleveland was regarded as a pretty advanced tariff reformer, but he favored the retention of a duty of approximately 1 cent a pound on sugar, although in his day Louisiana was the only sugar-producing State in the Union.

The fact is that, beginning with the founding of the Democratic Party, the "pledge" of free sugar is not heard of until we come down to the halcyon and vociferous time when the militant free-trade coterie in the last House became the adoration and the hope of the long-suffering Democratic masses. The "fathers" were all tariff-for-revenue Democrats—not free traders. They believed with John G. Carlisle, who was one of the ablest students of economics of his day, that the sugar duty is one of the most legitimate and equitable import taxes ever levied. This belief has also been convincingly avowed by such eminent modern Democratic philosophers and guides as Senator JOHN SHARP WILLIAMS and Col. George Harvey, the editor of Harper's Weekly and the "mutual friend" and discriminating admirer of Woodrow Wilson and Col. Henry Watterson. It is clearly apparent, therefore, that the so-called sugar reactionaries are in fairly respectable Democratic company.

And right here I wish to call attention to the fact that neither in his campaign for the Democratic presidential nomination nor for the election did Mr. Wilson pledge himself to give the country free sugar. On the contrary, whenever he was asked about his position on the sugar tariff he distinctly declared that he was against any tariff changes that would injure or destroy any legitimate industry. Is it anywhere seriously contended that the beet-sugar industry is not a legitimate domestic industry? Does anyone pretend that it is not as indigenous and legitimate an industry in many sections of the great temperate zone of the United States as it is in Germany or France or Austria-Hungary or Russia? More than 35,000 farmers are engaged in beet-sugar growing in Michigan alone, and they are finding it the most profitable crop they can raise. It has been the greatest promoter of scientific and intensive methods of farming of any crop ever introduced into the State. So far as its economic legitimacy is concerned, its status is absolutely fixed and unchallengeable, which is more than can be said of the legitimacy of the effort that is now being made to set up free sugar as the sine qua non of the Democratic tariff-reform program.

The proponents of free sugar have not even the excuse of "curbing" any domestic monopoly to justify their revolutionary proposal. No one is foolish enough to claim that even the present sugar schedule affords the slightest shelter to any oppressive combination. Indeed, it is only since the development of the beet-sugar industry that competitive conditions in the sugar trade have been established in this country. Before that time the powerful Havemeyer-Arbuckle-Spreckels refining interests had absolute control of the American sugar market; to-day throughout the great Middle West and the West they have to meet the competition of the domestic beet-sugar producers. The one certain effect of free sugar would be to give these interests complete control again of the American market, for 2-cent Cuban or Javan raw sugar would enable them to put out of business every domestic producer of this great staple. Thus instead of legislating to destroy monopoly the Democratic majority in the House would actually restore it. That is why all the big refining interests are lined up for free sugar. It is possible there would be times under a free-trade régime when the people would pay a slightly lower price for their sugar, but would even this be an adequate compensation for the annihilation of one of the most valuable and prosperous of our western agricultural interests and the involvement of the planters of Louisiana in general bankruptcy?

It is a point of curious interest that some of the stoutest defenders of the free-list provisions in the House bill delight to speak of that measure as establishing a "competitive tariff" policy. This is a clever euphemism. But does it "square with the actual facts," which Mr. Wilson said in his message the new tariff schedules should do? So far as the sugar schedule is concerned, it isn't a "competitive tariff" at all; it is a confiscatory tariff. At the expiration of three years it subjects the domestic sugar industry not to competitive conditions under moderate tariff duties but to competitive conditions under a reign of absolute free trade. This means that at the end of three years the industry will be left in a situation where it must either be run at a loss or go out of existence, because there is not a single beet or cane sugar concern in the country that can make a penny of profit with Cuban raw sugar selling in the New York market around 2 cents a pound.

This is not mere pessimistic persiflage or idle guesswork. It is a statement that is substantiated by incontrovertible facts. In Michigan the beet-sugar mills pay the farmer an average price of $2.80 for each hundredweight of the extractable sugar in his beets. That is to say, the cost of the sugar content of Michigan beets before the process of manufacture begins is 80 cents more per hundredweight than the price at which the eastern refiners would be able under free trade to buy an equal amount of Cuban raw sugar at the seaboard. It is idle to suppose that any increased "efficiency" of factory management could in the short space of three years overcome this handicap. Is it a "competitive" or a confiscatory tariff policy that would deprive the domestic sugar producers of the right to live?

It is a grave responsibility which men assume when they deal with the fortunes of great communities. It is altogether too grave a responsibility for men with a predilection for radical courses and who insist that all the large relativities and adjustments of our complex economic life shall fall dead on the congressional caucus doormat. A great English publicist once warned against "the falsehood of extremes." It is well to repeat this warning for the benefit of men who apparently have yet to learn that no political creed or economic prejudice should be allowed to obscure the truth that in the art of government all principles are relative, not absolute, and that a rigid insistence upon them under any and all circumstances is the mark of inferior statesmanship.

I am thoroughly persuaded that if the broad and enlightened recommendations contained in the President's message should be carried out there would be no cause either for criticism or alarm in any quarter. It is true that these recommendations partake largely of the nature of generalities, but they are generalities that breathe the spirit of true statesmanly wisdom and admonition. He distinctly advised against "cutting at the roots of what has grown up among us by long processes and at our own invitation." If this language does not convey a positive rebuke to those who would put sugar upon the free list regardless of the damaging effects which such a policy would have upon the domestic industry, then the President was most inept in the choice of his words. I do not believe that he went astray in that regard or that he intended to use words in a double sense. He is incapable of doing either of these things. He meant exactly what his language says. He is against "cutting at the roots" of any industry which, like the beet-sugar industry, has grown up among us "at our own invitation," even though it can not be said to have passed through "long processes," owing to its comparatively recent establishment in this country. It can be confidently affirmed that if any industry was ever established in the United States "at our invitation," beet sugar was that industry. It is not only had the invitation extended to it by the National Government through its Agricultural Bureau and its traditional tariff policy, but it had in many instances the more alluring invitation offered it by direct State bounties. It exists to-day upon the strength of the Government's express invitation, and that invitation can not be withdrawn without leaving a stain upon the national honor. It seems to me that it is far more important that the Government should fulfill its pledge to keep that "invitation" good than that the Democratic majority should carry out the "pledge" of the free-trade contingent in Congress to give the country a "boon" which only the rich sugar-refining interests (the real Sugar Trust) are clamoring for.

I wish to disclaim any purpose to oppose the President's general tariff policy. In the main I think he is absolutely right in his conception of what a Democratic tariff bill should be. His statement of the general considerations which should control in the framing of it was certainly unexceptionable. He has had the fairness to admit that the effect of putting sugar on the free list at once would be disastrous to the domestic industry, and it was through his personal influence, seconded by the efforts of House Leader UNDERWOOD, that the date for giving effect to this ultrainnovatory provision of the House tariff bill was postponed three years. Now, I respectfully submit that a wiser course would be to make an immediate 25 per cent cut in the duty, but continue it indefinitely as the most productive and the least burdensome of Federal import taxes. In the meantime a special expert commission should be appointed to investigate the economic status of the domestic industry in order that its findings may furnish a scientific basis for future readjustments of the sugar schedule.

Notwithstanding I may be set down as a "sugar reactionary," I wish to say that I have the most implicit faith not only in the patriotic intentions, but the exceptional statesmanly capabilities and prescience of Mr. Wilson. I was an humble but very ardent supporter of his candidacy for the Democratic presidential nomination. I am happy to say that in most respects his course, both as a candidate and as President, has met with my unqualified approval. Nobody but a man of the highest political ideals and the truest moral inspiration could speak as he almost invariably speaks. His addresses are characterized by a certain intellectual nobleness and catholic breadth of view that easily rank them among the most impressive public utterances of our time, if not of any time. In my opinion he possesses every essential attribute of statesmanly greatness except infallibility; every natural prerogative of political leadership except the power to convert an academic sentiment into a fixed party policy. And to do him justice I do not believe that he preens himself on any omniscient qualities. But there is imminent danger that in his almost hilarious enthusiasm for Democratic ideals he will try "to do too much."

I am profoundly anxious that the President should prove himself to be as accomplished a maker of history as he is a writer of it. His familiarity with American public affairs is remarkable. And this leads me to remark that no man of our time knows any better than he does that the Democratic Party is not a free-trade party and that it has never made any "pledge" to enact free-trade legislation, either by piecemeal or in toto, that would imperil our national industrial independence. No Democratic leader, excepting possibly National Chairman McCombs, has ever been more emphatic in disavowing on his own behalf and that of his party such a "pledge" than Mr. Wilson was in the late campaign. So desirous was he to have his own and the party's attitude on this subject clearly understood by the country that he dictated this declaration in the tariff plank of the Baltimore convention:

"We favor the ultimate attainment of the principles we advocate by legislation that will not injure or destroy any legitimate domestic industry."

Such was the pledge upon which the Democratic Party made its appeal to the voters, and I submit that it is the law which should govern Democratic legislation until further action by the national convention and an appeal to the people have sanctioned a different rule of action. It was upon the strength of this pledge, aided and abetted by the militant G. O. P. majority smashing Bull Moosers, that the party was intrusted with power. It ought to be incredible that any Democrat should now seriously propose to ignore that pledge in the case of sugar and the agricultural schedules. The fate which overtook the Taft administration as a result of its well-meant endeavors to provide by reciprocal arrangement for free trade in farm products with Canada should serve as an impressive warning to those who would extend that free-trade arrangement to include the whole world without even stipulating for or receiving any reciprocal benefits whatsoever.

The statesman or the party leader who, in formulating important legislative measures, does not take into consideration the psychological effect as well as the ultimate practical results of those measures is a raw hand at the business. I refuse to believe that the President is that sort of an immature leader. I refuse to believe that he will commit his party to radical courses which—however sound theoretically—are calculated to alarm and alienate large numbers of voters in many of the most populous and progressive agricultural sections of the country. And I especially and emphatically refuse to believe that he will insist on a course which so directly contravenes the historic Democratic doctrine of a tariff for revenue, and which so palpably violates both his own and his party's pledges as that involved in the House proposal to entirely remove the duty on sugar, which not only yields a princely revenue but makes it possible for a great domestic industry to live and to render the country the inestimable economic service of preserving it from becoming wholly dependent upon outside sources for its supplies of one of the chief necessaries of life.

"I don't know what you call this," said a famous prime minister of a certain bill laid before the British Cabinet, "but it ought to be named a bill to knock out this Government." Despite the fact that no Democrat of prominence in Congress has yet consented to even putatively father the new tariff bill by giving it his name, let us not be in a hurry to apply to it such a name as that proposed by the free-spoken British premier. There assuredly must be some Democrats in the Senate with his capacity for "sizing up" legislative boomerangs and who will not take any chances of having their party knocked out by one of them.

Respectfully, etc.,

LOUIS E. ROWLEY.

Mr. SIMMONS. Mr. President, just a moment. The paper which we have heard read is clearly nothing more than a brief on the part of those who are opposed to any reduction of the rates upon sugar; and it hardly ought to be dignified with the name of "a brief." It is more in the nature of a stump speech, which has now in effect been delivered to the Senate of the United States by a person who is not a member of this body. It has up to the present consumed nearly an hour's time and taken up nearly all the morning hour of the Senate.

There are, Mr. President, in the possession of members of the Finance Committee, I have no doubt, two or three hundred briefs upon the tariff; and, if this practice is to continue, any member of that committee, or any Senator who might get into his possession one of the briefs now in possession of members of the committee, might have them read here before the Senate, and the morning hour be taken up with hearing arguments from briefs made in behalf of persons who are opposed to the reduction of the tariff. It is easy to see how readily this courtesy may be abused, and I want to announce now, Mr. President, in the interest of the saving of time, to cut off this apparent, this evident, abuse that hereafter I shall object to the reading of these briefs. If Senators desire to read them, I suppose, under the rule, possibly that may be their privilege, provided they get the floor when there is something before the body.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. I do.

Mr. GALLINGER. I think the Senator from North Carolina must have overlooked the fact that in accordance with the provisions of Rule XI this matter was submitted to the Senate, and the Senate ordered the document read.

Mr. SIMMONS. I am not complaining of that. I am simply calling attention to the fact that it is a document which is in the nature of a brief; that it has occupied an hour of our time; that there are four or five hundred other briefs now in the possession of Senators that might also be read if Senators saw fit to ask the time of the Senate for their reading; and I shall do everything in my power to prevent this abuse of the privileges of the Senate and taking up unnecessarily the morning hour.

Mr. RANSDELL. Mr. President, I do not think that I have violated any of the proprieties of the Senate in having this document read. It did not consume an hour; it consumed but 30 minutes—just half an hour—so far as that is concerned.

There may be several hundred briefs like this in the files of the Committee on Finance, but I know nothing about them. We have certainly had no public hearings. My people have been demanding public hearings and are still demanding public hearings on this great measure, which is going to destroy the greatest industry in my State. It may be a simple matter for some gentlemen to pass legislation of this kind, but it is a serious matter for the people of Louisiana. I, as their representative here, am obliged to do what I can to safeguard their interests.

Mr. JAMES. Mr. President——

Mr. RANSDELL. I decline to yield for the moment.

This paper, in my judgment, presents good, sound Democratic doctrine; it is the effusion of a Michigan Democrat; it embodies the views of a Wilson Democrat, a man who did everything he could to have Mr. Wilson nominated and elected, and I think every Democrat here should read and ponder carefully every word that is contained in this letter. He will get some good thoughts from it.

The Senator from North Carolina may have read the various and sundry hundred and odd briefs that he has on the sugar question. If he has done so, it seems he is more than mortal in his capacity for work. I can not read all of these things. This document struck me as a wonderfully good one. Therefore I had it read, and I indorse every word of it on my responsibility as a Senator.

Mr. JAMES. I desire to ask the Senator from Louisiana a question before he takes his seat. He says the people of Louisiana are clamoring for hearings upon this sugar schedule. Is it not true that they had hearings in the other House? The Senator himself was present; I am sure I saw the Member of the House who is in future to be the Senator's colleague present; and I am certain that they had hearings upon the question of sugar, thorough and complete.

Mr. RANSDELL. Yes, sir; they had hearings in the House, "thorough and complete," I presume, in the opinion of the Senator from Kentucky. Forty-five minutes were accorded to the Louisiana people to discuss an industry which has carried a duty since 1789; which has never been in all the history of this Republic without a duty, except when it received a bounty of 2 cents a pound, and when we had——

Mr. JAMES. Mr. President——

Mr. RANSDELL. Pardon me; allow me to answer you. When we went before the Ways and Means Committee of the House we had several men there, and only one of them was allowed to talk. He talked for 45 minutes—the pitiful time of 45 minutes. That sugar hearing, sir, occupied four hours, as I recall, and one-half of the time was given to Mr. Lowry, who has been persistently, in season and out of season, fighting for free sugar for two or three years. He controlled half the time, and occupied it in arguments in favor of free sugar, and all the Louisiana people could get was 45 minutes. That may be ample time, but I do not think so. I would have liked to talk 45 minutes myself, and the distinguished gentleman, a Member of the other House, Mr. BROUSSARD, who understands this question probably as well or better than any other man in Congress, would have been glad to speak an hour or more. The only time given us was that brief period; and we allowed Mr. Robert Milling, a lawyer from Louisiana, who was thoroughly posted, to occupy it, knowing we could not divide our forces and make any kind of a showing in that length of time.

Mr. JAMES. Mr. President, I will say, in reply to the Senator's speech, that the Ways and Means Committee gave several hours to a hearing upon the question of free sugar. In addition to that, the questioning and the cross-examination of witnesses took several hours in addition, and all of the gentlemen who appeared there were permitted to file briefs upon the sugar question, which are now embraced in the hearings of the Ways and Means Committee. In addition to that, the Hardwick committee for almost one year of time heard witnesses upon almost every phase of the sugar question. The report of that committee covers about six volumes, as I recall, or more than 4,000 pages, upon the question of the wages, the cost of producing sugar, the price of sugar abroad and at home, and every ramification of the sugar question. I have no hesitancy in saying that the testimony that has been taken on sugar by the Ways and Means Committee and the briefs filed before that committee and the Hardwick hearings upon the question of sugar are so extensive that it would take the Senator almost three months' time of constant labor to read and digest the evidence already presented. I have no doubt that certain interests in this country that already are having the favor of the Government in the way of taxation showered upon them are willing to have investigations—interminable investigations, ex-

haustive investigations—that will go further to exhaust the consumers who have to pay the taxes they are gathering from the people—for the tax they gather will be undisturbed so long as you only "investigate"—than they will be exhaustive in finding the cost of production and the wages paid.

Mr. RANSDELL. Mr. President, just a word more. I will not take the time of the Senate very long. We had, I think, as I have said, four hours' hearings in the House. I will not rehash that; but I will reiterate—and it will be borne out by the record, if any one seeks to investigate it—my statement that the representatives from Louisiana were given only 45 minutes and that was not sufficient time to discuss the subject.

It is true that there were hearings on the cost of sugar in the Hardwick examination. I think three gentlemen from Louisiana came up here and were questioned in regard to it; but it was not a very friendly committee. It was a committee organized principally to find against us, and they found against us. Now, Mr. President——

Mr. JAMES. Why, Mr. President, I dissent most respectfully from that statement. I do not believe the Senator from Louisiana wants to charge the distinguished Speaker of the House of Representatives with packing a committee to make a finding against a special interest in this country, and I will ask the Senator——

Mr. RANSDELL. I did not mean that at all.

Mr. JAMES. Just a moment—if it is not true that that committee was organized to find out whether there was a sugar trust controlling the price of sugar in this country?

Mr. RANSDELL. I believe that was the purpose; but I believe the committee was unfriendly to sugar.

Mr. JAMES. Oh, the Senator may say that every man is unfriendly to sugar who does not believe in taxing all the people of the United States to keep alive an industry that is not self-sustaining.

Mr. RANSDELL. There is a Sugar Trust now, Mr. President, and that Sugar Trust has been trying very hard to get free sugar, or else I am badly fooled. Mr. Spreckels testified before the Hardwick committee that he had put up, or his company had put up, $12,000 to spread through his agent, Mr. Lowry, the doctrine of free sugar. He admitted that in the testimony before Mr. HARDWICK'S committee. Everyone who has been in Congress for several years knows that he has received a great many little yellow documents emanating from Mr. Lowry's bureau; he knows that he has received from home people these little yellow slips of paper, with the names of his constituents signed to them. Who sent them to the home people? This same Mr. Lowry, incited thereto by one of the sugar trusts. I do not know how many trusts there are; but certainly Mr. Lowry's company is one of the big refiners, and certainly Mr. Lowry's company is one that is going to be a beneficiary if the competition resulting from the beet-sugar manufacture of this country is destroyed.

Who will profit by it more than the refiners? What causes the low price of sugar now? First, the very large supply there is in the world, and, second, the very active competition of the beet-sugar people. The testimony before Mr. HARDWICK'S committee showed that fact, and every man who has investigated it is obliged to admit that fact.

Now, Mr. President, I do not want to take up too much time of the Senate, but just this further remark and I am through. The Senator from Kentucky says that we have had long hearings. We had just 45 minutes before the Ways and Means Committee.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from North Carolina?

Mr. RANSDELL. Certainly.

Mr. SIMMONS. When the Senator answers the statement of the Senator from Kentucky [Mr. JAMES], I want to ask him if he is aware of the fact that during the year 1912 the Finance Committee of the Senate gave hearings upon the sugar schedule? I want to say to the Senator, if he does not know that fact, that it was one of the three schedules that the Finance Committee most exhaustively investigated; and that fact will be shown by the circumstance that the testimony taken by the Finance Committee last year on the question of sugar covered 901 pages of printed matter. I do not think there was a phase of this question that was not gone into. I do not remember exactly how long the investigation lasted, but I think it lasted several weeks, and everybody representing any phase of the sugar interest who desired to be heard upon that subject, even to machinery—there being pending before the Senate at that time the House schedule bill revising the sugar schedule—was given full opportunity to be heard. I will state to the Senator that there was absolutely no limitation placed upon the time that representatives of that industry were allowed to speak or that representatives of that industry were allowed to testify, and when they got through they were permitted to file all the briefs they desired.

There has been no change, Mr. President, in this situation since 1912, when we held the investigations. I think they were held about the middle of the summer of 1912, and the hearings before the House committee of this year cover 231 pages. So that the hearings upon this schedule within the last year have been so exhaustive that it has required 1,132 pages to cover the testimony.

Mr. STONE. And it has all been printed?

Mr. SIMMONS. It has all been printed, and every Senator has an opportunity to read what has been said.

Mr. RANSDELL. Mr. President, that may be true; I do not know. But when a man is going to be put to death he is usually allowed to have a last word. We accord that privilege even to the condemned criminal on the gallows. The great party of which I am an humble member is about to put to death the greatest industry in my State, and we want a chance to be heard. My people are demanding that they be heard.

Perhaps they have been listened to in the past, but they want to be heard again. Is there anyone here who will deny that the passage of this bill in its present form will destroy the sugar industry in Louisiana? Is there anyone here who will deny that that industry has existed for over 100 years? Is there anyone here who will say it is not a legitimate industry? Is there anyone here who will say that the Democratic Party demands in its platform or in its principles that legitimate industries be destroyed? Is there anyone here who will say that sugar is not the best revenue producer we have? All of these things that I state are facts.

Mr. MYERS. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Montana?

Mr. RANSDELL. Certainly.

Mr. MYERS. I should like to ask my friend, the Senator from Louisiana, if this industry has been protected for 100 years and is still an infant industry that needs protection, how long it will take it to become a matured industry and to be grown so that it will not need protection as an infant?

Mr. RANSDELL. I can not answer that question, and I shall not attempt to do so. I may say it is not original with the Senator from Montana. It has been asked by a great many people a great many times in the past.

Mr. MYERS. Mr. President, I should like to ask another question. Has my first question ever been answered?

Mr. RANSDELL. Will the Senator please let me answer this question as well as I can? I will state that whether the industry be an infant or not there is a great deal of money invested in sugar in Louisiana. There are fully half a million people down there who are interested in the industry and more or less dependent upon it. There are a great many people there who have made their investments upon the faith of the policies and the principles of the Democratic Party from its very foundation to the present day.

Mr. REED rose.

Mr. RANSDELL. I decline to be interrupted for a moment. We have been, in good faith, making our investments. Now, let me show you how some of them are situated at this moment.

I hold in my hand a letter from Houma, La., dated May 8, 1913, and addressed to me. It is as follows:

THE HOME INSURANCE CO., NEW YORK,
Houma, La., May 8, 1913.

Hon. JOSEPH E. RANSDELL, *Washington, D. C.*

DEAR SIR: Inclosed please find a letter from the Security Insurance Co., of New Haven, Conn., which might be of some little help to you in your fight for sugar, as it shows the far-reaching effects of the Underwood tariff bill, in that this risk a few months ago would have been gladly taken by almost any insurance company.

Hoping that this may be of some service to you, I am,
Yours, truly,

STANWOOD DUVAL, *Agent.*

This is a very short letter, just a page and a half. I will read it now. It is from the Security Insurance Co., of New Haven, Conn., and is dated April 25, 1913:

THE SECURITY INSURANCE CO., OF NEW HAVEN, CONN.,
SOUTHWESTERN DEPARTMENT,
Dallas, Tex., April 25, 1913.

DUVAL INSURANCE AGENCY, *Houma, La.*

GENTLEMEN: In view of the fact that Congress will soon pass a tariff bill affecting the sugar interests, and the statement of Chairman UNDERWOOD that the production of sugar in the United States can not be carried on under the new tariff, we have decided to discontinue entirely the insurance on sugar houses. Furthermore, we believe the conditions are so serious that we should be relieved of liability at once of all risks of that character on our books now. We find we have the following policy issued from your agency, 71747—Argyle Planting &

Manufacturing Co.—and ask that you kindly cancel and return the same to this office at once. If you have not sufficient funds in your possession to pay the return premiums, we shall be very glad to send you a check to cover.

Please do not delay this matter, as we regard it very serious. I am quite sure you will agree with me that the interest of the company demands such action on our part. The insurance business is one of great hazards; and a well-managed company, which after all is the best asset an agent can have, should take advantage of every proposition of this nature and protect its interest.

Yours, very truly,

T. A. MANNING, *General Agent.*

Mr. JAMES. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Kentucky?

Mr. RANSDELL. I shall have to yield first to the Senator from Missouri [Mr. REED]. Then I will yield to the Senator from Kentucky. The Senator from Missouri was the first one who asked a question.

Mr. REED. I understood the Senator to say there were half a million people interested in sugar in his State.

Mr. RANSDELL. I stated that there were that many interested directly or indirectly.

Mr. REED. Is it not a fact that there are in the Senator's State less than 1,500 sugar planters, great and small? And is it not a further fact that the vast majority of the sugar lands in acreage are controlled by less than 100 people?

Mr. RANSDELL. Mr. President, I do not live in the sugar portion of Louisiana. My home is in the extreme northeast corner of the State, in the cotton section. I suppose I live at least 200 miles from the sugar section. For 14 years I represented in Congress a great cotton district of the State. Very few of my personal friends, except those I know politically, live down in the sugar section. We have not down there the magnificent transportation facilities that there are in some of the States, and I have not had occasion personally to visit often the sugar section of my State. But I am assured by my colleague, Mr. BROUSSARD, a Member of the House of Representatives, that there are more than 3,000 sugar planters in his own parish of Iberia.

The Senator is entirely mistaken when he speaks about there being only 1,500 planters in the State, all told. There are not a very great many of the real large planters. But there are thousands and thousands of farmers who raise sugar in a small way on their small farms and sell their tonnage to the big factories on the large plantations, just as the beet grower of the West raises beets on his small acreage and sells it to the large factories.

I presume the Senator from Missouri, by his question, intends to call in question the correctness of my statement about there being half a million people interested in the industry or more or less dependent on it. New Orleans is a city of about 360,000 people. New Orleans is to a very great extent dependent upon the sugar industry—far more dependent upon that than anything else, though it handles a considerable amount of lumber, cotton, rice, and so forth. A number of the fairest and richest parishes in the State south of Red River and west of the Atchafalaya River, all through the beautiful Teche region immortalized by Longfellow in his famous poem, Evangeline, are devoted to sugar. I think I am well within bounds when I say that more than one-third of the people of Louisiana are dependent, directly or indirectly, upon sugar, though I do not pretend to intimate that one-third of them are engaged in raising sugar. We have something like 1,600,000 people in the State.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Missouri?

Mr. RANSDELL. I do.

Mr. REED. I am simply trying to get these matters boiled down into concrete facts, as far as possible. I understand the Senator's statement now. He did not mean that there are half a million people engaged in the sugar business in his State.

Mr. RANSDELL. Oh, not at all. I did not say that.

Mr. REED. He meant that there were half a million people in the State of Louisiana who would be affected by a reduction of the sugar tariff, in this way—that he thinks it would injure the State generally, and thus would injure them.

Mr. RANSDELL. No; it would injure every man in the State generally—cut off our State taxes, our school taxes, our road taxes, our levee taxes, and everything of that kind in a general way—by reducing enormously the assessed value of the State's property.

Mr. REED. Can the Senator give us an idea as to how many acres actually are used for the raising of sugar in Louisiana?

Mr. RANSDELL. I do not believe I can answer that question at present. I had no idea I would be called upon to make a speech here to-day. I will go into that matter very fully later and enlighten the Senate just as thoroughly as I can on it. I know, in round numbers, that we have $100,000,000 invested in the sugar business in Louisiana. Some of that is in land; some of it, of course, is in machinery; some of it is in mules; some of it, and a very large part, is in great sugar factories—$35,000,000 to $40,000,000. They would be absolutely destroyed. I will attempt to give full details on all of that at some future time.

Mr. REED. I trust the Senator will. He has spoken about the large number of men engaged in raising sugar. I understand, of course, that there are a large number of men engaged in raising sugar if you count as a sugar planter the colored brother who raises a half acre somewhere and also raises other things. But I ask the Senator, when he makes his investigation and gives us his figures, if he will not tell us the number of real sugar planters there are, counting as a sugar planter a man who is engaged in the business extensively enough so that he can be called a sugar raiser. I trust we will have that information. I am not asking this to interrupt the Senator; but he comes from that State, and I should like to have some accurate information about it.

Mr. RANSDELL. Will the Senator himself permit a question?

Mr. REED. Certainly.

Mr. RANSDELL. In order that I may answer intelligently—and I assure the Senator I will try to do so—I should like him to define planters. I will say, in passing, that there are a great many white farmers all over southern Louisiana who do not have very large holdings, but they own their homes. They are people of Acadian ancestry. They live on very small places, and as their children grow up they divide their places among them. They are people who under no circumstances will sell their homes. They are as good people as there are on God's hemisphere. They are not large planters in the sense that they own hundreds of acres, but they are Caucasians; they are good American citizens; they are farmers. They practice, to a certain extent, intensive farming. If you are going to eliminate all that class of white people and bring it down to men who own 2,000 and more acres, I can not name a very large number to the Senator; and I ask him to define what he means.

Mr. REED. It would be a little difficult to draw a hard and fast line; but manifestly there is a difference between a man who is raising sugar and is a sugar planter and a man who is raising cotton and corn and has a little patch of sugar that is a mere incident to his farming business.

I suggest to the Senator, as he is directly interested and is appealing to this side for aid and sympathy and may get some, that he give us the total number of acres and give us the total number of planters who raise over 100 acres. Then we can very easily find out the number of other people who will be affected—those who have only an acre or two. That information I have tried to get, in a rather hurried way, from some of the departments, and I have failed to get anything that is satisfactory. I thought the Senator could give it to us, and I am sure he will if the information is available.

Mr. RANSDELL. I will endeavor to comply with the request of the Senator from Missouri; but I shall also have to give the acreage of the smaller farmers, as well as those who have upward of 100 acres. I presume the Senator will not object to that at all.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Utah?

Mr. RANSDELL. I must yield next to the Senator from Kentucky [Mr. JAMES]. Then I will yield to the Senator from Utah.

Mr. SMOOT. I was just going to ask a question of the Senator from Missouri.

Mr. RANSDELL. The Senator from Utah wishes to ask the Senator from Missouri a question.

Mr. REED. Certainly.

Mr. SMOOT. I should like to ask the Senator to modify his request, because of the fact that there are very, very few farmers in the United States who have 100 acres in beets.

Mr. REED. I was only speaking about cane.

Mr. SMOOT. I know in my State of hundreds of men who have not over 5 acres, and they could not attend to more than 5 acres. Upon that 5 acres they make a living. It is intensified farming. I ask the Senator to change his request and call for the entire acreage.

Mr. REED. My request was directed to the Senator from Louisiana, and had reference alone to his own State and to the cane-sugar industry. It had no reference to the beet-sugar industry.

Mr. SMOOT. Then I misunderstood the Senator.

Mr. REED. I wanted to get at the situation in Louisiana. For my part, I can say now to the Senator from Utah that as far as the man is concerned who owns 300 or 400 acres of land and only sees fit to put 4 or 5 acres into beets, I am not in favor of taxing all the people of the United States so that he can still have that 5 acres of beets.

Mr. SMOOT. No such thing exists in the West at all, Mr. President. We do not have 300 or 400 acres of land there in the hands of one man. We believe in intensified cultivation.

Mr. JAMES. Mr. President, the Senator from Louisiana stated that the Democratic Party had done nothing which his people could construe as being in favor of free sugar, or had taken no action that would have advised his people in advance that if the Democratic Party obtained control we would place sugar upon the free list. Is it not true that the Democratic House of Representatives last year placed sugar upon the free list?

Mr. RANSDELL. It is.

Mr. JAMES. And is it not true that the Democratic national platform of 1912 specifically indorsed that action?

Mr. RANSDELL. No.

Mr. JAMES. Did it not do it in these words——

Mr. RANSDELL. Read the words.

Mr. JAMES. I have them here:

At this time, when the Republican Party, after a generation of unlimited power in its control of the Federal Government, is rent into factions, it is opportune to point to *the record of accomplishment of the Democratic House of Representatives in the Sixty-second Congress. We indorse its action, and we challenge comparison of its record with that of any Congress which has been controlled by our opponents.*

"We indorse its action," says the Democratic platform. What was its action? Passing various tariff bills, chief among which was a free-sugar bill.

The VICE PRESIDENT. The Chair will ask the Senator from Louisiana to suspend. The morning hour has almost expired and the Chair desires to hand down certain bills from the House of Representatives.

Mr. RANSDELL. That will not cut me off from replying later, or to-morrow, or at the next meeting of the Senate?

The VICE PRESIDENT. At any time when the Senator obtains the floor. The Chair simply asks this as a courtesy, as the morning hour has almost expired.

HOUSE BILLS AND RESOLUTIONS REFERRED.

H. R. 32. An act to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania was read twice by its title and referred to the Committee on the Judiciary.

H. R. 4234. An act providing certain legislation for the Panama California Exposition to be held in San Diego, Cal., during the year 1915 was read twice by its title and referred to the Committee on Industrial Expositions.

H. J. Res. 80. Joint resolution making appropriations to supply urgent deficiencies in certain appropriations for the postal service for the fiscal year 1913 was read twice by its title and referred to the Committee on Appropriations.

H. J. Res. 82. Authorizing the President to accept an invitation to participate in the International Conference on Education was read twice by its title and referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred Senate resolution 32, requesting the President to negotiate for the concurrent and cooperative improvement of waterways in common between Canada and the United States, reported it without amendment.

Mr. WORKS, from the Committee on Public Lands, to which was referred the bill (S. 487) providing for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States in the State of California, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same, reported it without amendment and submitted a report (No. 35) thereon.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 1170) to extend the provisions of section 4631, title 54, "Prize," of the Revised Statutes of the United States, and of the act approved June 8, 1874, in relation to prize money to fleet officers, asked to be discharged from its further consideration and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (S. 1363) making lands within the State of Oregon that have been withdrawn or classified as oil lands subject to entry under the homestead or desert-land laws, reported it without amendment and submitted a report (No. 36) thereon.

Mr. STERLING, from the Committee on Public Lands, to which was referred the bill (S. 1027) to provide for an enlarged homestead, reported it without amendment and submitted a report (No. 37) thereon.

Mr. O'GORMAN, from the Committee on Foreign Relations, to which was referred the bill (S. 1864) for the relief of the contributors to the Ellen M. Stone ransom fund, reported it without amendment and submitted a report (No. 38) thereon.

Mr. BURTON, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 32) authorizing the Executive to accept an invitation to participate in an international conference on education extended by the Netherlands Government, reported it without amendment and submitted a report (No. 39) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. O'GORMAN:

A bill (S. 1881) for the relief of the heirs of the late Samuel H. Donaldson;

A bill (S. 1882) for the relief of Bolognesi, Hartfield & Co.; and

A bill (S. 1883) for the relief of Edwin P. Andrus and others (with accompanying paper); to the Committee on Claims.

A bill (S. 1884) for the relief of Phoebe W. Chase; to the Committee on Military Affairs.

A bill (S. 1885) granting an increase of pension to Gail E. Plunkett; and

A bill (S. 1886) granting an increase of pension to Judson P. Adams; to the Committee on Pensions.

By Mr. PITTMAN:

A bill (S. 1887) to annul the proclamation creating the Chugach National Forest and to restore certain lands to the public domain; to the Committee on Territories.

By Mr. BORAH:

A bill (S. 1888) granting an increase of pension to Horace A. Hitchcock; and

A bill (S. 1889) granting an increase of pension to Mary C. Brown; to the Committee on Pensions.

By Mr. SAULSBURY:

A bill (S. 1890) granting an increase of pension to David A. Conner; to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 1891) granting a pension to Hiram A. Williams (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 1892) granting an increase of pension to Julia A. Woods (with accompanying papers);

A bill (S. 1893) granting an increase of pension to Eugene Davis (with accompanying papers); and

A bill (S. 1894) granting an increase of pension to Augusta E. McLean (with accompanying papers); to the Committee on Pensions.

A bill (S. 1895) for the relief of Joshua A. Fessenden and others; to the Committee on Claims.

By Mr. FLETCHER:

A bill (S. 1896) providing for the erection of a monument to Maj. Francis L. Dade and others in Sumter County, State of Florida; to the Committee on the Library.

A bill (S. 1897) authorizing the Director of the Census to collect, collate, and publish statistics relating to the turpentine and rosin industry; to the Committee on the Census.

A bill (S. 1898) providing for the preservation of the old fort at Matanzas Inlet, Fla., and making appropriation therefor; to the Committee on Military Affairs.

A bill (S. 1899) to establish a fish-cultural station in the State of Florida; to the Committee on Fisheries.

By Mr. CUMMINS:

A bill (S. 1900) granting a pension to James G. Pickett (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 1901) for the relief of John W. Barlow; to the Committee on Claims.

By Mr. TOWNSEND:

A bill (S. 1902) to regulate the volume and flexibility of the currency of the United States of America, and for other purposes; to the Committee on Banking and Currency.

By Mr. OLIVER:

A bill (S. 1903) to increase the limit of cost of the United States public building at Pittsburgh, Pa.; to the Committee on Public Buildings and Grounds.

A bill (S. 1904) for the relief of Mary L. Adair and others; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 1905) to prevent the desecration of the flag of the United States of America; to the Committee on Military Affairs.

A bill (S. 1906) for the relief of R. R. Russell, Irve W. Ellis, J. L. Borroum, N. H. Corder, and Wooten & Vasbinder (with accompanying papers); to the Committee on Indian Affairs.

By Mr. REED:

A bill (S. 1907) to amend first paragraph of section 24, chapter 2, act of Congress approved March 3, 1911; to the Committee on the Judiciary.

Mr. WEEKS. I introduce a bill.

The VICE PRESIDENT. Without objection, the bill will be considered read twice by its title and appropriately referred.

Mr. JONES. Are bills being referred without reading them by title?

The VICE PRESIDENT. If there is objection, it can not be done; but the Chair stated that without objection it would be done.

Mr. JONES. I object to the reference of a bill without the title being read.

Mr. JAMES. The objection comes too late, as to those which have been introduced.

Mr. JONES. I hardly think that. I have never in the Senate known bills of a general character referred without reading the titles. I did not know that the request was being submitted. I do not care to have the titles of private bills read. Pension bills, I think, ought to be handed in without the titles being read, but I think the titles of bills of a general nature should be read.

Mr. SMOOT. The titles of private-claims bills need not be read.

Mr. JONES. Not of private-claims bills. They can be handed to the Secretary.

The VICE PRESIDENT. The trouble is that the Chair does not know the character of a bill until the title has been read.

Mr. JONES. I understand that.

By Mr. WEEKS:

A bill (S. 1908) for the relief of Thomas R. Blakeney and others, lately laborers and mechanics employed in and about the United States arsenal at Watertown, Mass.; to the Committee on Claims.

By Mr. BRISTOW:

A bill (S. 1909) for the relief of William Crawford (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 1910) granting a pension to Isobel M. Evans;

A bill (S. 1911) granting an increase of pension to John B. Craig; and

A bill (S. 1912) granting an increase of pension to James Williams; to the Committee on Pensions.

By Mr. SMITH of Georgia:

A bill (S. 1913) for the relief of Theodore A. Baldwin and others;

A bill (S. 1914) for the relief of the trustees of Pea Vine Church, Walker County, Ga. (with accompanying paper); and

A bill (S. 1915) for the relief of the trustees of Pea Vine Academy, Walker County, Ga. (with accompanying paper); to the Committee on Claims.

By Mr. JAMES:

A bill (S. 1916) for the relief of Daniel McClure and others;

A bill (S. 1917) for the relief of the trustees of the Methodist Episcopal Church South, of Louisa, Ky.; and

A bill (S. 1918) for the relief of the heirs of Simeon P. Sandidge; to the Committee on Claims.

By Mr. JOHNSTON of Alabama:

A bill (S. 1919) to secure uniformity in the award of medals of honor and rewards for distinguished service in the Army, Navy, and Marine Corps (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 1920) for the relief of Charles J. Allison; to the Committee on Claims.

A bill (S. 1921) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America to all lands entered by, or set apart to, certain Creek Indians, or their heirs or representatives, under certain private acts of Congress, and also all claims and demands on the part of the United States for the use and occupation of any of said lands, for any damage done thereto, and for timber taken therefrom; to the Committee on Public Lands.

By Mr. ROOT:

A bill (S. 1922) for the relief of Margaret McQuade; and

A bill (S. 1923) for the relief of Warren E. Day; to the Committee on Claims.

By Mr. BACON:

A bill (S. 1924) for the relief of the legal representatives of the estate of Benjamin Hamilton, deceased; to the Committee on Claims.

By Mr. LEWIS:

A bill (S. 1925) to establish a national wage commission; to the Committee on Interstate Commerce.

By Mr. CHILTON:

A bill (S. 1926) to amend and reenact section 113 of chapter 5 of the Judicial Code; to the Committee on the Judiciary.

By Mr. CATRON:

A bill (S. 1927) to amend an act entitled "An act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1909;

A bill (S. 1928) making the act approved April 28, 1904, commonly known as the Kinkaid Act, applicable to certain public lands in New Mexico;

A bill (S. 1929) for the relief of Jesus Silva, jr.;

A bill (S. 1930) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, N. Mex., and for other purposes;

A bill (S. 1931) relative to the powers and duties of United States surveyors general; and

A bill (S. 1932) to establish the Pecos National Game Refuge in the State of New Mexico, and for other purposes; to the Committee on Public Lands.

A bill (S. 1933) to remove the charge of desertion from the military record of John Kircher;

A bill (S. 1934) to provide for the establishment of an annex to all National Homes for Disabled Volunteer Soldiers;

A bill (S. 1935) for the relief of John F. Wilkinson;

A bill (S. 1936) to correct the military record of Anastacio Sandoval;

A bill (S. 1937) to remove the charge of desertion from the military record of James Pollock;

A bill (S. 1938) to remove the charge of desertion from the military record of Jose Padilla;

A bill (S. 1939) authorizing the Secretary of War to award the congressional medal of honor to Second Lieut. Etienne de P. Bujac; and

A bill (S. 1940) to remove the charge of desertion from the military record of Jose G. Griego; to the Committee on Military Affairs.

A bill (S. 1941) providing an appropriation for the sinking of a public well at Newkirk, Guadalupe County, N. Mex.; to the Committee on Irrigation and Reclamation of Arid Lands.

A bill (S. 1942) to establish a fish-cultural station in the State of New Mexico; to the Committee on Fisheries.

A bill (S. 1943) in reference to the issuance of patents and copies of surveys of private land claims; to the Committee on Private Land Claims.

A bill (S. 1944) to confer jurisdiction on the Court of Claims in the case of Manuelita Swope; and

A bill (S. 1945) to reinstate certain Indian depredation cases on the dockets of the Court of Claims and to authorize their readjudication according to an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; to the Committee on Indian Depredations.

A bill (S. 1946) to indemnify Juan A. Valdez; and

A bill (S. 1947) for the relief of Arthur J. Matheny; to the Committee on Post Offices and Post Roads.

A bill (S. 1948) to provide for the purchase of a site for the erection of a Federal building at Santa Rosa, N. Mex.; and

A bill (S. 1949) to provide for the purchase of a site and for the erection of a public building thereon at Socorro, N. Mex.; to the Committee on Public Buildings and Grounds.

A bill (S. 1950) for the relief of the heirs of Robert H. Stapleton;

A bill (S. 1951) for the relief of Nathan Bibo, sr.;

A bill (S. 1952) for the relief of Roman Moya, administrator of the estate of Pablo Moya, deceased;

A bill (S. 1953) for the relief of the estate of Matias Baca, deceased, and his son, Juan Rey Baca;

A bill (S. 1954) for the relief of Frank L. Rael, heir of Francisco Rael, deceased;

A bill (S. 1955) for the relief of the estate of Fritz Eggert, deceased;

A bill (S. 1956) for the relief of Dolores P. Bennett;

A bill (S. 1957) for the relief of Alexander Read;

A bill (S. 1958) for the relief of the estate of Reymundo Trujillo, deceased;

A bill (S. 1959) for the relief of the heirs of Pablo Moya, deceased;

A bill (S. 1960) for the relief of the heirs of Pablo Eugenio Romero;

A bill (S. 1961) for the relief of Cecilio Sandoval;

A bill (S. 1962) for the relief of Crestino Romero;

A bill (S. 1963) for the relief of Manuel S. Salazar;

A bill (S. 1964) for the relief of Nicolas Apodaca; and

A bill (S. 1965) for the relief of the heirs of Pablo Archuleta, deceased; to the Committee on Claims.

A bill (S. 1966) for the payment of certain money to Albert H. Raynolds; to the Committee on Indian Affairs.

A bill (S. 1967) making an appropriation for the destruction of predatory wild animals; to the Committee on Agriculture and Forestry.

A bill (S. 1968) granting an increase of pension to Annie J. Jones;

A bill (S. 1969) granting a pension to Alvina McCabe;

A bill (S. 1970) granting a pension to Benjamin F. Gumm;

A bill (S. 1971) granting an increase of pension to Grace A. Overhuls;

A bill (S. 1972) granting a pension to Mary D. Thomas;

A bill (S. 1973) granting an increase of pension to Aniceto Abeytia;

A bill (S. 1974) granting a pension to Mariana L. de Miller;

A bill (S. 1975) to restore pension to Juanita Rine;

A bill (S. 1976) granting a pension to Dale C. Cook;

A bill (S. 1977) granting a pension to Gus M. Brass, jr.;

A bill (S. 1978) granting a pension to Lottie Syzmanski;

A bill (S. 1979) granting a pension to Maggie E. Lasier;

A bill (S. 1980) granting a pension to Martina M. de Sanchez; and

A bill (S. 1981) granting an increase of pension to James F. Bandy; to the Committee on Pensions.

By Mr. HUGHES:

A joint resolution (S. J. Res. 33) to amend the joint resolution of May 25, 1908, providing for the remission of a portion of the Chinese indemnity; to the Committee on Foreign Relations.

THE TARIFF.

Mr. OLIVER submitted two amendments intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

CLAIMS OF MARY L. ADAIR AND OTHERS.

Mr. OLIVER submitted the following resolution (S. Res. 83), which was read and referred to the Committee on Claims:

Resolved, That the claims of Mary L. Adair and others, contained in S. 1904, now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the Tucker Act. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

AMENDMENT OF THE RULES.

Mr. WILLIAMS. I submit a resolution and ask that it be read for the information of the Senate and referred to the Committee on Rules.

The Secretary read the resolution (S. Res. 84), as follows:

Resolved, That the rules of the Senate be amended as follows: Rule XII, clause 1, after the words "by the Senate," there shall be inserted the following: "and any Senator may arise and declare that he is paired and how he would vote if not paired, and may add that being present he desires to be so recorded in order to constitute a quorum; whereupon he shall be so recorded and his presence as a part of the quorum announced by the Chair."

The VICE PRESIDENT. May the Chair inquire of the Senator from Mississippi whether notice was given on yesterday of this proposed amendment of the rules?

Mr. WILLIAMS. No, sir; it was not.

The VICE PRESIDENT. The proposed amendment, then, will go over one day.

Mr. BACON. Mr. President, referring to the resolution submitted by the Senator from Mississippi, it seems to me that under the rules—I am not stating this by way of making any objection to its consideration——

Mr. WILLIAMS. I have not asked for its consideration.

Mr. BACON. But under the rules it is required that the Senator shall give notice of his intention to submit a proposed amendment of the rules, and that he has not done. The rule requires that a Senator give a day's notice of an intention to submit a resolution proposing to amend the rules and that he should particularly specify the rule intended to be amended. I simply suggest that in order that the Senate may be put in possession——

Mr. WILLIAMS. Mr. President, my request was that the matter be referred to the Committee on Rules. In order to avoid any difficulty, I give notice of my intention upon to-morrow, or upon the next legislative day, to introduce the resolution and request its reference to the Committee on Rules.

Mr. BACON. That has to be in writing, and has to specify the rule sought to be amended.

Mr. WILLIAMS. It does specify the rule sought to be amended, and the clause.

Mr. BACON. The notice of the intention to introduce the resolution has to be in writing. That is what I am referring to.

Mr. SMOOT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Utah will state it.

Mr. SMOOT. I may have misunderstood the Senator from Mississippi; but in offering the resolution I thought the Senator asked that it be referred to the Committee on Rules.

Mr. WILLIAMS. I did.

Mr. SMOOT. That is all there is to it, then. If he had not done so, the objection of the Senator from Georgia would be perfectly in order.

Mr. BACON. Mr. President, even if it is referred it is offered as a resolution in the Senate. I am not speaking as to the merits of the matter at all. I am speaking about what the rule requires should be done if it is sought to amend the rules of the Senate.

The VICE PRESIDENT. The Chair will state, for the benefit of the Senator from Georgia, that the Chair made an inquiry of the Senator from Mississippi, in order that the RECORD might be properly made up. After the Senator said that he had not given notice on yesterday, the Chair announced that the matter must lie over one day and be treated as though it were simply a proposition to amend. The RECORD will at least show that the Senator gives notice of his intention to submit an amendment to the rules. Whether that has to be in writing or not, the Chair has not as yet ruled, but assumes that the Senator from Mississippi will put his notice in writing. In fact, the Chair understands he is now doing so.

Mr. BACON. That is all right.

Mr. WILLIAMS subsequently said: Mr. President, I send to the desk a written notice of a proposed amendment of the rules.

The VICE PRESIDENT. The notice will be entered. The morning hour has expired, and the Chair lays before the Senate the unfinished business.

ARMOR PLATE FOR VESSELS OF THE NAVY.

Mr. ASHURST. Mr. President, the discussion of the tariff during the last three or four mornings has prevented much morning business. Some days ago I submitted Senate resolution 78, directing the Secretary of the Navy to transmit certain information relating to armor plate ordered by the Navy Department during the last 25 years, and asked for its immediate consideration. Under the rules the resolution went over on objection for one day, and it is now on the table. I gave notice that at the earliest opportunity I should ask for its immediate consideration. When I obtained the floor for that purpose I ascertained that the distinguished Senator from New Hampshire [Mr. GALLINGER] was momentarily absent, and I did not desire to ask for its consideration in his absence. So there has been a delay of some days during which I have been seeking opportunity to have the resolution considered and adopted.

Therefore, Mr. President, this being the earliest opportunity I have had, in accordance with the notice I have heretofore given, I ask that Senate resolution 78 be laid before the Senate.

Mr. SMOOT. I simply wish to say to the Senator from Indiana that if action is taken on this resolution it will displace the unfinished business.

Mr. ASHURST. I do not wish to displace the unfinished business.

Mr. SMOOT. That is exactly what the effect will be.

Mr. ASHURST. I do not wish to displace the unfinished business. While the resolution upon which I ask action is of much importance, I believe the unfinished business is of paramount importance at this particular time. I therefore give notice that immediately upon the laying aside of, or the conclusion of, the unfinished business I shall ask for action upon this Senate resolution No. 78.

Our Republican friends on the other side of the aisle have recently fulminated very much and thundered in the index over public hearings, and if they are sincere they will all vote to adopt the resolution I have introduced, so that the American

people may see where their money goes. You claim you want "light." If you assist in passing this resolution, you will see how the Steel Trust mulcted this Government to the tune of $1,600,000 in furnishing the armor plate that is to be used in building the superdreadnought *Pennsylvania*.

THE TARIFF.

The VICE PRESIDENT. The Senator from Indiana [Mr. KERN] has the floor on the unfinished business.

Mr. SIMMONS. Mr. President——

Mr. KERN. I yield for a moment to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, I wish to inquire of the Senator from Pennsylvania [Mr. PENROSE], the ranking member of the minority of the Finance Committee, if it is possible to have an agreement providing for a vote on the motion to refer the tariff bill to the Finance Committee and his amendment thereto.

Mr. PENROSE. Mr. President, before answering the Senator's question directly, I should like in two or three words to explain the matter.

The impression has gone forth, I do not know how, that I and others associated with me are mixed up in some kind of a filibuster on this motion. There is absolutely no foundation for such a statement or such an impression. When the Senator from North Carolina made his motion to refer the bill to the Finance Committee, I moved my amendment in good faith, expecting immediate action on that day or very soon after offering the motion to the Senate. Then, without any concerted action, as must be evident to every Senator, a debate sprang up between the Senator from Colorado [Mr. THOMAS] and the Senator from Michigan [Mr. SMITH], followed by a general discussion of tariff questions by many Senators. Then the proceedings were unfortunately interrupted early yesterday by the Senate voting to go into executive session. So that, so far as any delay in this matter is concerned, I feel entirely innocent of any intention or of any act in the direction of delay.

I recognize, Mr. President, that there would be no object in attempting to delay at this stage of the discussion. The position of the bill is purely a technical one. The fact that it has not yet been referred to the committee does not make a particle of difference, because the majority members of the Finance Committee, as I am informed, are going ahead in their conferences as rapidly as they can to perfect the bill, and the mere fact that the bill is not technically——

Mr. SIMMONS. I will say to the Senator——

Mr. PENROSE. I am not going to make a speech.

Mr. SIMMONS. Just at this point in the Senator's statement I wish to say that the debate on this question is interfering materially with the work of the Finance Committee.

Mr. PENROSE. I imagine the public debates are interfering considerably with the private conferences on the tariff. In order, therefore, to facilitate these matters and to show my perfect good will I want to cooperate with the Senator in getting early action.

I wish to say, Mr. President, that I have never in the considerable period in which I have been in the Senate engaged in a filibustering expedition. I think my record in that respect will be borne out by all my colleagues who have served with me for a period of 15 years or more. I have, with patient fortitude, looked on at the filibustering expeditions and piratical methods of others now in the majority and then in the minority of this body. I have never criticized them, believing that they were strictly within the rules of the Senate and the precedents, and that they were doing what they thought best for their party and for the legislation in which they believed. I have endeavored, with patience, to wait until the opportunity occurred for bringing about legislation, or if it did not occur I have taken the result with equanimity.

As I said, nothing would be gained by making delay in the bill at this stage. Anything that would be said now can be said later. I had intended to speak at length to the Senate on the importance of hearings, but after the request for hearings is voted down I can just as well exploit my views to this body as to the whole proceeding.

I want to state further, Mr. President, that, as far as I know, there is no disposition on the minority side to engage in any filibuster during the considerable period that will intervene before the final passage of this measure. Legitimate discussion upon every paragraph is all that I want, and, as far as I know, it is all that any of my associates want. That I believe they are entitled to, and on that we will insist. While that may take up considerable time, it will not have in it any elements of undue delay and certainly no elements of a filibuster.

If the Senator from North Carolina has any suggestion to make as to when a vote may be taken on the pending motion, I shall be glad to hear from him.

Mr. SIMMONS and Mr. WORKS addressed the Chair.

The VICE PRESIDENT. The Chair recognizes the Senator from North Carolina. Does the Senator from North Carolina yield to the Senator from California?

Mr. SIMMONS. Certainly.

Mr. WORKS. Before the Senator from North Carolina and the Senator from Pennsylvania arrive at any understanding about this matter I desire to say that I shall want to submit some remarks upon the motion itself. I certainly have no intention of delaying final action upon the motion; but a discussion has been precipitated here and statements have been made that will leave a false impression upon the minds of the Senate and the Committee on Finance as to the conditions in my State, and I shall desire before this matter is concluded to submit a few remarks for that reason. Of course, I understand perfectly that we may discuss this matter further along; but this question has been partially discussed here now, and I am not content to allow the impression that will most certainly follow what has been said to remain upon the minds of Senators without some answer with respect to it.

I submit this consideration so that Senators may take that into account.

Mr. PENROSE. I do not attempt to speak for any of my colleagues. The Senator from North Carolina called on me, and I answered him that it was for the Senate to give unanimous consent.

Mr. SIMMONS. I called on the Senator from Pennsylvania because he is the ranking member of the minority of the Finance Committee.

Mr. PENROSE. Has the Senator any suggestion to make as to when a vote shall be taken on the motion?

Mr. SIMMONS. Of course I do not desire in any way to cut off legitimate debate on the motion or on the amendment. I am perfectly willing to fix a time that would allow a reasonable opportunity for all Senators who desire to discuss it.

Mr. PENROSE. How would next Monday do?

Mr. SIMMONS. I think we might dispose of this matter to-morrow.

Mr. PENROSE. Well.

Mr. SIMMONS. As I said a little while ago, it is interfering somewhat with the work of the committee. I meant by that, of course, that it is taking our time from that work to attend the sessions of the Senate. It is a matter of special interest to the members of the Finance Committee, and I think we ought to dispose of this question. I would suggest that if we agreed to vote at 4 o'clock to-morrow it would give abundant opportunity. I do not think from the conference I have just had with the Senator from Indiana [Mr. KERN] that it is likely the unfinished business to-day will take up all the afternoon. There might be some opportunity to discuss the motion this afternoon, and after to-day we would have all of the morning hour practically to-morrow for its discussion and then two hours in addition to the morning hour.

Mr. PENROSE. If the chairman of the Finance Committee wants to fix as early a date as he indicates for the disposition of this matter, I suggest that the Senator from Indiana consent to lay aside the unfinished business until to-morrow, and also, of course, executive business.

Mr. LODGE. If we are to vote to-morrow, we ought to have more time.

Mr. SIMMONS. I do not know that it is the intention to go into executive session for a long time this afternoon.

Mr. SMOOT. Before any time is agreed upon to vote on the motion, I wish to have it distinctly understood that no executive session will be held until after the motion is voted upon.

Mr. SIMMONS. I do not think it is the purpose to hold any extended executive session to-day.

Mr. PENROSE. Any executive session must be extended at the present juncture of affairs.

Mr. SIMMONS. That might be true, Mr. President, unless it was agreed that the matter which is now tying up the Senate would not be taken up for consideration. Such an agreement might be very easily reached, I think.

Mr. SMOOT. It was not reached last night.

Mr. SIMMONS. I mean to-day.

Mr. PENROSE. There may be other snags to be struck.

Mr. SIMMONS. I do not know to what extent the Senator may have entered on a filibuster as to other matters. I know that last night he or his colleagues were filibustering as to the matter which was before the Senate.

Mr. GALLINGER. I trust the Senator from North Carolina will not give away the secrets of the executive session.

Mr. SIMMONS. If I have given away any secret, I withdraw it.

Mr. JONES. Mr. President, I ask for the regular order.

The VICE PRESIDENT. The Senator from Washington has called for the regular order, which is the unfinished business, and the Senator from Indiana [Mr. KERN] is entitled to the floor.

Mr. SIMMONS. I hope the Senator from Washington will withhold his demand, that we may see if we can reach an agreement.

Mr. JONES. I think we are wasting time and that we will make more time by going on with the regular order.

Mr. PENROSE. I never heard the term "wasting time" applied to talk in the Senate.

Mr. SIMMONS. We might as well save time by reaching an agreement now.

Mr. RANSDELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Louisiana?

Mr. RANSDELL. I wish to have just two or three moments to answer a question. I do not want to debate but just to answer the question asked me.

Mr. KERN. I object to that. The Senator has given notice to the Senate that he intends to make further remarks.

Mr. RANSDELL. I do not want to make any further remarks. A question was asked me. It will round out the little speech I made this morning. The first that I have had the pleasure of making in the Senate, and one I did not expect to make, will be rounded out, if I can answer the question. It will not take more than three minutes.

Mr. KERN. I yield for that purpose.

Mr. RANSDELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington consent? The Senator from Washington has called for the regular order.

Mr. RANSDELL. I ask the Senator from Washington to withdraw the demand for just a moment.

Mr. JONES. Mr. President, I can not prevent the Senator from Indiana yielding to the Senator from Louisiana. If he desires to yield to him, I would not prevent it if I could.

Mr. KERN. I have yielded on certain conditions, which, of course, I take it, will be observed.

Mr. RANSDELL. In answer to the question of the Senator from Kentucky [Mr. JAMES], I wish to say that he draws a very different construction from this clause of the Democratic platform from that which I draw and to which I think it is fairly entitled. Let us consider the circumstances under which this platform was framed.

Mr. KERN. Mr. President, I yielded to the Senator from Louisiana under the impression that he desired to answer a question that had just been propounded to the Senator from North Carolina [Mr. SIMMONS]. I can not yield for this exposition of Democratic principles.

Mr. RANSDELL. I do not want to do that, Mr. President.

Mr. KERN. I decline to yield.

Mr. ROOT. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. ROOT. It is that the Senator from Indiana, having yielded the floor to the Senator from Louisiana not for a question but for a speech, has lost the floor and no longer has the right to object to the Senator from Louisiana proceeding.

Mr. KERN. When I yielded to the Senator from Louisiana for a specific purpose under a misapprehension of the facts as to what the purpose was, I think I have the right to claim the floor.

Mr. RANSDELL. I hope the Senator will not insist. It will not take me long.

Mr. President, when that fact——

Mr. KERN. What does the Chair decide?

The VICE PRESIDENT. The Chair decides that the Senator from Indiana has the floor, if he insists upon it.

Mr. KERN. Then, I call for the regular order.

Mr. GALLINGER. I will venture to suggest to the Senator from Louisiana that under the absence of rules in the Senate, the Senator can address himself to the unfinished business as well as to anything else.

Mr. KERN. I ask for the regular order, Mr. President.

The VICE PRESIDENT. The Senator from Indiana has been recognized.

Mr. RANSDELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Louisiana?

Mr. KERN. I do not.

The VICE PRESIDENT. The unfinished business will be proceeded with, and the Senator from Indiana has the floor.

PAINT CREEK COAL FIELDS OF WEST VIRGINIA.

The Senate resumed the consideration of Senate resolution 37, submitted by Mr. KERN April 12, 1913, and reported by Mr. WILLIAMS from the Committee to Audit and Control the Contingent Expenses of the Senate April 28, 1913, with a substitute.

Mr. KERN. Mr. President, after the governor of West Virginia announced the other day that he desired an investigation as called for in the resolution now before the Senate, and after the senior Senator from West Virginia [Mr. CHILTON] had declared here that he agreed with Gov. Hatfield that the matter might be investigated, and that since he has seen the statement he wanted it investigated and should not object, I did not suppose that there would be further objection to the adoption of this resolution. I do not know whether there is any desire to pursue the discussion of the resolution or not. If not, it may be voted upon. If there is to be further discussion, I shall take part in it. The question, of course, is upon the adoption of the resolution.

The VICE PRESIDENT. The question is on the adoption of the resolution.

Mr. BORAH. Mr. President——

Mr. CHILTON. If the Senator from Idaho will indulge me, I gave notice the other day when this matter was up that I was going to move that the resolution should take the regular course and be referred to the Committee on Education and Labor to investigate the facts which are alleged and to report regularly upon the resolution. I now make that motion, so that it may be discussed in connection with anything else germane to the matter.

Mr. BORAH. Mr. President, I have no desire to discuss this matter. If I understand the Senator from West Virginia correctly, his statement is that the opposition to the resolution has ceased.

The VICE PRESIDENT. The motion of the Senator from West Virginia is that the resolution be referred to the Committee on Education and Labor.

Mr. BORAH. Mr. President, I originally introduced this resolution in the Senate, and as there has been some reference to that in the debate I think I may properly trespass upon the time of the Senate for a few moments to state some facts concerning the resolution.

I readily agree that I was not in possession of all the facts which I should like to have had possession of at the time I introduced the resolution. It was introduced upon facts furnished me largely from newspaper reports. Had I been in possession of all the facts which I desired, I should not have introduced the resolution. It was introduced for the purpose of ascertaining, indeed, what the facts were, not being able to ascertain definitely as to the facts without an investigation.

It is needless to say that in introducing the resolution I had no idea of reflecting upon the governor of the State of West Virginia, either the governor then holding the office or the governor who afterwards succeeded him, nor upon the people of the State of West Virginia. We are all familiar with the history of those people, with their devotion to the Constitution and their loyalty to the flag in a trying hour. We did not have in our mind anything in the nature of a reflection upon either the officers or the people of that State. I hope I do not hasten to the criticism of sworn officers discharging their duty elsewhere, nor would I knowingly reflect upon the people of a State. But there was one fact, Mr. President, which was presented to me which caused me to introduce the resolution, and that I can state in very brief terms. As it was presented to me I did not feel that I could ignore it, or as chairman of the committee refuse to act.

It was asserted in the newspapers, and, as I understand, the assertion is not denied, that men had been arrested and tried by a military tribunal and sentenced to punishment and imprisonment in the penitentiary for two, three, and five years, and that this took place at a time when the civil courts were open and under such circumstances and conditions as, it seemed to me, to entitle them to be tried in the civil courts.

Laying aside all other facts and all other representations in regard to the matter, that one fact alone was sufficient to interest me. It would have caused me to submit the resolution if no other facts had been presented. If it is true that at the time when the civil courts were open men were actually tried for offenses which were committed under the laws of the State by a military tribunal, it is a matter of sufficient concern to move me to act at any time, and, I believe, of sufficient concern to interest anyone who is at all concerned about the perpetuity of the Government under which we live. There can be nothing of more concern than the preserving of those fundamental principles by which causes are tried, where men's liberties and lives are involved, and I would not ignore a condition of affairs which seemed to give to military tribunals the right to try men and take away their liberties unless those men were in the military or naval service.

Now, briefly, that is the one fact which, I understand, is undisputed, and it is the one fact which caused me to be interested in the affairs. I do not say that other matters did not have to do with it, but that was controlling and guiding in the matter.

The case of Moyer against Peabody has been referred to in this argument, I presume, for the purpose in some respect of justifying whatever steps were taken and whatever proceedings were had, but the case of Moyer against Peabody does not justify nor give a precedent for anything in the nature of the transaction which we have here before us, if the facts reported to us are correct. In the syllabi in this case it is said:

What is due process of law depends on circumstances and varies with the subject matter and necessities of the situation.

Truly so; but no court in this country has ever held that, while the civil courts are open, those who are not in the Army or Navy may be intercepted for crimes committed in violation of the law of the State and tried by a military tribunal. No court has ever held that such a trial is "due process of law" under the genius of our institutions. When any court shall have so held and it becomes an established precedent, there will shortly be an end of the fundamental principles upon which this Government rests. Even the inception of such a claim must be denied, the slightest step in such direction must upon the first moment of reflection be retraced.

The declaration of the governor of a State that a state of insurrection exists is conclusive.

Undoubtedly that is true; but the declaration of a governor that a state of insurrection exists does not justify anything and everything which a governor may see fit to do while that state of insurrection exists. There are certain fundamental rights of the citizen which can not be interfered with under such conditions any more than if the state of insurrection did not exist. The powers which belong to the executive in the case of a state of insurrection are pretty well defined, they are pretty well understood, and have been passed upon rather extensively and in detail by the courts; but no court has ever intimated that by reason of that condition of affairs you can arrest a citizen upon the streets of a city for an offense committed against the laws of a State, try him before a military tribunal, and take away his liberty or his life. The governor may properly declare martial law, he may oppose force with the militia of the State, but he may not transfer the jurisdiction to try and punish men for statutory offenses to improvised military tribunals.

The case of Moyer against Peabody was simply a civil suit in which the man who had been deprived of his liberty for a time undertook to recover damages from the governor of the State, it being contended upon the part of the complainant that the action of the governor was not conclusive as to certain matters which he had alleged in his proclamation. The whole case is stated and its limitations noted, so far as it being a precedent in this matter is concerned, in a single paragraph:

Such arrests are not necessarily for punishment, but are by way of precaution to prevent the exercise of hostile power. So long as such arrests are made in good faith and in the honest belief that they are needed in order to head the insurrection off, the governor is the final judge, and can not be subjected to an action after he is out of office on the ground that he had not reasonable ground for his belief. If we suppose a governor with a very long term of office, it may be that a case could be imagined in which the length of the imprisonment would raise a different question. But there is nothing in the duration of the plaintiff's detention or in the allegations of the complaint that would warrant submitting the judgment of the governor to revision by a jury. It is not alleged that his judgment was not honest, if that be material, or that the plaintiff was detained after fears of the insurrection were at an end.

But the case which has more to do with the subject matter in hand is the noted case of ex parte Milligan, which is found in Seventy-first United States, at page 109. It states the principle from which we dare not depart.

Mr. BACON. Will the Senator please give the number of the volume from which he previously read?

Mr. BORAH. It is No. 212, United States Reports.

The facts in the case of ex parte Milligan in some respects resemble the facts, as they have been presented to me, as existing in the State of West Virginia. In that case Milligan was arrested and tried before a military tribunal at a time when the civil courts of Indiana were open. I need not read more than a paragraph or two of the opinion, but it is one of the noted cases in the history of our courts, and deals specifically with the right of a citizen to a trial in the civil court under such conditions as are said to prevail in the State of West Virginia. When it came to determine this particular question as to his right of trial under those conditions, the Supreme Court said:

The importance of the main question—

That is, as to whether Milligan could be tried by a military tribunal or must be tried in the court—

The importance of the main question presented by this record can not be overstated, for it involves the very framework of the Government and the fundamental principles of American liberty.

During the late wicked Rebellion the temper of the times did not allow that calmness in deliberation and discussion so necessary to a correct conclusion of a purely judicial question. Then considerations of safety were mingled with the exercise of power, and feelings and interests prevailed which are happily terminated. Now that the public safety is assured this question, as well as all others, can be discussed and decided without passion or the admixture of any element not required to form a legal judgment. We approach the investigation of this case fully sensible of the magnitude of the inquiry and the necessity of full and cautious deliberation.

After reciting the facts more fully, the court says:

The controlling question in the case is this: Upon the facts stated in Milligan's petition and the exhibits filed, had the military commission mentioned in it jurisdiction, legally, to try and sentence him? Milligan, not a resident of one of the rebellious States or a prisoner of war, but a citizen of Indiana for 20 years past and never in the military or naval service is, while at his home, arrested by the military power of the United States, imprisoned, and, on certain criminal charges preferred against him, tried, convicted, and sentenced to be hanged by a military commission, organized under the direction of the military commander of the military district of Indiana. Had this tribunal the legal power and authority to try and punish this man?

No graver question was ever considered by this court, nor one which more nearly concerns the rights of the whole people; for it is the birthright of every American citizen when charged with crime to be tried and punished according to law.

And not according to the ipse dixit, or the passion, or the prejudice, or the opinion of an improvised tribunal. Not according to laws which govern military courts and rules of evidence which there obtain, but according to the law of the land and the rules and practices of common-law courts.

I do not care, Mr. President, what the emergency may be, or what the supposed emergency may be, there is no emergency conceivable which can suspend the operation of the Constitution or suspend the right of a man to have a trial before such a tribunal as is provided for by the general laws of the country. This is the announcement of the greatest of judicial tribunals upon the most vital principle of personal liberty, and, speaking for myself, I will wander from it not a hair's breadth if I know it. In saying this I impute disloyalty to no one else, but under this principle I claim the right to know all the facts when so salutary a principle seems to be denied to any citizen, rich or poor.

The power of punishment is alone through the means which the laws have provided for that purpose, and if they are ineffectual there is an immunity from punishment, no matter how great an offender the individual may be or how much his crimes may have shocked the sense of justice of the country or endangered its safety. By the protection of the law human rights are secured; withdraw that protection and they are at the mercy of wicked rulers or the clamor of an excited people. If there was law to justify this military trial, it is not our province to interfere; if there was not, it is our duty to declare the nullity of the whole proceedings. The decision of this question does not depend on argument or judicial precedents, numerous and highly illustrative as they are. These precedents inform us of the extent of the struggle to preserve liberty and to relieve those in civil life from military trials. The founders of our Government were familiar with the history of that struggle, and secured in a written Constitution every right which the people had wrested from power during a contest of ages. By that Constitution and the laws authorized by it this question must be determined. The provisions of that instrument on the administration of criminal justice are too plain and direct to leave room for misconstruction or doubt of their true meaning. Those applicable to this case are found in that clause of the original Constitution which says, "That the trial of all crimes, except in case of impeachment, shall be by jury"; and in the fourth, fifth, and sixth articles of the amendments. The fourth proclaims the right to be secure in person and effects against unreasonable search and seizure, and directs that a judicial warrant shall not issue "without proof of probable cause, supported by oath or affirmation." The fifth declares "that no person shall be held to answer for a capital or otherwise infamous crime unless on presentment by a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger, nor be deprived of life, liberty, or property without due process of law." And the sixth guarantees the right of trial by jury in such manner and with such regulations that with upright judges, impartial juries, and an able bar the innocent will be saved and the guilty punished. It is in these words: "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense." These securities for personal liberty thus embodied were such as wisdom and experience had demonstrated to be necessary for the protection of those accused of crime. And so strong was the sense of the country of their importance, and so jealous were the people that these rights, highly prized, might be denied them by implication, that when the original Constitution was proposed for adoption it encountered severe opposition, and but for the belief that it would be so amended as to embrace them it would never have been ratified.

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The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of Government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the Government, within the Constitution, has all the powers granted to it which are necessary to preserve its

existence, as has been happily proved by the result of the great effort to throw off its just authority.

* * * * * * *

The discipline necessary to the efficiency of the Army and Navy required other and swifter modes of trial than are furnished by the common-law courts, and, in pursuance of the power conferred by the Constitution, Congress has declared the kinds of trial, and the manner in which they shall be conducted, for offenses committed while the party is in the military or naval service. Everyone connected with these branches of the public service is amenable to the jurisdiction which Congress has created for their government, and, while thus serving, surrenders his right to be tried by the civil courts. All other persons, citizens of States where the courts are open, if charged with crime are guaranteed the inestimable privilege of trial by jury. This privilege is a vital principle, underlying the whole administration of criminal justice; it is not held by sufferance and can not be frittered away on any plea of state or political necessity. When peace prevails and the authority of the Government is undisputed, there is no difficulty of preserving the safeguards of liberty, for the ordinary modes of trial are never neglected, and no one wishes it otherwise; but if society is disturbed by civil commotion—if the passions of men are aroused and the restraints of law weakened, if not disregarded—these safeguards need and should receive the watchful care of those intrusted with the guardianship of the Constitution and laws. In no other way can we transmit to posterity unimpaired the blessings of liberty consecrated by the sacrifices of the Revolution.

Mr. President, I am aware that that is a case in which the court was dealing with a Federal question, or rather it was a proceeding in the Federal courts and under the Federal Constitution. I have not had the time, and did not intend to do so until this resolution should ripen into an investigation, if it should do so, to find out just what the provisions of the State constitution of West Virginia are or what the circumstances and facts were concerning the situation which seems to have led to this trial by the military tribunal; but it was sufficient for me to understand that in a State of this Union men had been seized upon the streets for crimes alleged to be in violation of the laws of a State, tried by an improvised military tribunal, and sent to the penitentiary. It is certainly sufficient to warrant an investigation. If there should be found in the State of West Virginia and in the constitution of West Virginia such provisions as would seem to justify such a proceeding, that of itself would not be sufficient answer, because you can not take away the rights of a citizen of a State without at the same time interfering with the rights of the citizen of the United States.

A man who is a citizen of the State of West Virginia is also a citizen of the United States, and if he has been imprisoned under such conditions it is a matter of supreme concern to the United States, as well as a matter of immediate concern to the people of West Virginia. It was for this reason, Mr. President, so far as I was concerned, that I moved in the first instance with this resolution. There was no sort of politics upon my part. It could hardly be so, because I understood the conditions in West Virginia politically. I assume that there was no sort of politics upon the part of the Senator who afterwards introduced the resolution, and if there is anything that would lead me to have supreme contempt for one of my colleagues in this Chamber it would be for him to undertake to interpose politics in a matter in which the rights of an individual citizen or his liberty were involved. I challenge neither the standing nor patriotism of the governor of West Virginia; I do not now impeach the learning of her judges—they had their duty to perform, and I felt when these facts were presented I had mine to perform.

Mr. President, I am one of those who still believe that the best way to administer justice in this country is through the courts. I have something of an hereditary prejudice, of which I am not anxious to be free, in favor of a trial by jury before an impartial court under the established laws of the country, where the accused may meet the witnesses face to face. It is the best way yet devised, and I will not ignore any encroachment upon this wise system even by tribunals supposed to be born of or made necessary by great emergencies. But, sir, if the courts are to be open to some and not to all, we need waste our time no longer in idle and useless discussion as to whether it is worth while to preserve our judicial system. If there is anything in the world which would lead me to transfer our judicial questions from our courts to town meetings it would be the supplanting of such tribunals by military commissions. These men committed no crime not punishable under the laws of the great Commonwealth of West Virginia, and no one will contend that the courts were either closed or corrupt or afraid, or that honest and fearless men could not be found in the State to sit upon juries and administer justice.

Such affairs as this show most clearly how deep-seated is the love of our people for the methods of trial given us by the fathers, and it is well that it is so. This system is the result of a thousand years of bitter experience and ceaseless struggle. When men are deprived of its benefits, when its wise and salutary methods are withheld, how quickly they feel the force of its justice, its wisdom. For one, Mr. President, I propose, so far as I can, to see that they are not deprived of it. I propose that the humblest, the poorest, the most unjustly accused, as well as the most justly accused, shall have its full benefit. No man can under the genius of our Government be legally punished for crime, not being a member of the naval or military service, except in the orderly and legal way prescribed by our laws and through the judgment of our courts. That these men were tried and punished for ordinary crimes before military tribunals when the courts were open is not denied, as I understand. I for one, therefore, should like to know all the facts which surround such a transaction.

Mr. CHILTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from West Virginia?

Mr. BORAH. I do.

Mr. CHILTON. I want to ask the Senator, inasmuch as he is in favor of the courts determining matters of this kind, that after the Supreme Court of Appeals of West Virginia has decided upon all of these questions and has held that the proceedings are all sufficient under the laws of that State, where else could you contest it, except in the Supreme Court of the United States? Could the Senate do anything to reverse the Supreme Court of Appeals of West Virginia?

Mr. BORAH. Undoubtedly the Senate could not do anything to reverse the action of the Court of Appeals of West Virginia; but I do not concede, if such a condition of affairs as has been alleged exists and has been sustained by the courts of West Virginia, that the Senate as a lawmaking body is without power to protect the situation. It may not and would not likely be able to relieve individuals, but if in this Government of ours there is a hiatus wherein and by reason of which such things may be done, then it is time for legislation in preparing for future contingencies.

Mr. CHILTON. Is there any fact that the Senate of the United States could develop which the Senator thinks would not be developed by the parties themselves in an action to obtain their freedom before a proper court; and does the Senator think there could be greater energy here than there would be by the parties themselves in a legal proceeding in the State, or in some other proceeding to correct the proceedings in the State? In other words, I want to find what benefit is going to be derived by having an investigation here under the present state of affairs.

Mr. BORAH. Well, Mr. President, of course it is impossible for the Senator from Idaho to state the benefits which will be derived in their fullness, and I expect it will be very difficult for the Senator from West Virginia to tell the injury which would flow from the proposed investigation if there is nothing to these facts.

Mr. CHILTON. That possibly may be so. Mr. President, while I am on my feet, if the Senator will permit me, I want to say to him that I hope that nothing which I have said led him to believe that I meant to intimate that anything that he did—and I can say the same to the Senator from Indiana—was done on political grounds.

Mr. KERN. Mr. President, before the Senator from West Virginia takes his seat, if the Senator from Idaho will permit me, I should like to ask the Senator from West Virginia whether he is to-day of the same opinion that he was the other day, when he said that he would join with the governor of West Virginia in favor of an investigation into these conditions?

Mr. CHILTON. Yes, Mr. President; in a proper way. I think, though, that this resolution is being railroaded. I do not think that both sides have been properly heard. We have a number of ex parte statements put before the Senate here this morning and a number of statements made the other day, but there has been no place where both sides can present their situation. Both sides of the controversy ought to go to a regular committee to investigate. It will not delay anything, and I see no reason why West Virginia should be put up here in the dock and practically convicted before any kind of an investigation has been made by the Senate.

My position has been that if the governor of that State—there are all kinds of rumors about his attitude; some say he wants it, and some say he does not—if the governor of that State insists upon an investigation, I am perfectly willing that it may be undertaken; but I do say that there has been nothing shown here why West Virginia should be made an exception and should be made here the subject of an investigation involving everything practically under the laws of the United States and under the laws of the State, when the same disturbances are going on all around us.

Only three or four days ago practically similar disturbances occurred in the State of Ohio, the near neighbor of the Senator

from Indiana; they are going on in New Jersey, and the same kind of thing occurred in Lawrence a year or two ago. Strikes are going on, and disturbances of this kind are occurring where all kinds of allegations are being made upon the one side or the other; and it occurred to me that we ought to take a regular course, and that this resolution should in any event go to a proper committee so that, for instance, the initial facts may be ascertained.

The Senate does not officially know as yet that there has been martial law in the State of West Virginia. The Senate does not officially know that anybody has ever been arrested under martial law in the State of West Virginia. Certainly, the initial facts should be presented to the Senate in some way, and I want them to be determined in the regular way by a regular committee of the Senate.

Mr. KERN. I hoped the Senator, before he took his seat, would answer the question as to whether he is or is not in favor of an investigation of these conditions by the Committee on Education and Labor, and whether he doubts that that committee will give to the State of West Virginia a fair hearing.

Mr. CHILTON. I do not doubt that any committee of the Senate will be fair, Mr. President; of course not. I stated in my remarks the other day exactly my position, and I still stand upon what I said at that time. I do not want an investigation here unless there is some ground for it. I am not afraid to say anything if I believe it right. I do not know what fear is about politics, because coming back to the Senate makes little difference to me. It is never so important to me as it is to be right and not to be a coward, and when things are being said upon this floor that do my State an injustice, I am going to say so here or in any other presence.

I simply want it understood, Mr. President, that if the representations that I understand have been made by the governor of that State are true, and he wants to take the responsibility, I am perfectly willing to say that I will not fight the proposed investigation. Upon principle, however, there is absolutely no precedent and no ground for a State to be treated as West Virginia would be treated if such a resolution as this should be passed, and somebody besides myself will have to take the responsibility. If the Committee on Education and Labor in a proper way shall determine that an investigation is proper, I will not, then, put my State in the position of objecting. I only want a square deal for West Virginia and all her people. I am only opposing the railroading of such a solemn matter.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New York?

Mr. BORAH. I yield to the Senator from New York.

Mr. ROOT. I wish to ask a question, because I am somewhat puzzled. The resolution, a copy of which I have, appears to have been submitted by the Senator from Indiana [Mr. KERN] and to have been reported by the Senator from Mississippi [Mr. WILLIAMS] from the Committee to Audit and Control the Contingent Expenses of the Senate, and the Senator from Idaho refers to the resolution introduced by himself.

Mr. BORAH. That is the resolution introduced at the last session by myself.

Mr. ROOT. Is it the same as the pending resolution?

Mr. BORAH. It is practically the same. I do not know that it is verbally the same, but it is in substance the same.

Mr. ROOT. While I am on my feet, may I make a suggestion? It is a suggestion born of a very deep sympathy with what the Senator from Idaho has said, because if it appears in any proper way that in any State or anywhere within the jurisdiction of the United States men are deprived of their life, liberty, or property without due process of law, or that they are denied equal protection of the law, and that that deprivation comes from the overwhelming authority of a State, I am in favor, not of relegating the weak individual to his action in the courts, but of inquiry into it, to the end that we may see whether we may not correct it by the power of the United States I sympathize with the Senator from Idaho in what he has said, but it does not appear to me that this resolution as it now stands is aptly framed to accomplish that result. I should question two things—one is whether the Committee to Audit and Control the Contingent Expenses of the Senate is the committee which should frame such a resolution. I supposed their function to be to pass upon the question of the expense involved. So that this resolution now has practically not been considered and reported by any committee which has jurisdiction to do two things, both of which should be done. One is to ascertain whether there is any such reasonable cause to believe the evil exists as to set in motion the investigating powers of the Senate to take it out of the realm of the newspaper report. The other is to pass upon the terms of the resolution to be adopted by the Senate in order to bring about the investigation.

Mr. President, it is a very serious and solemn proceeding for the Senate of the United States to resolve itself into a grand jury for the purpose of passing upon the acts of a State of the Union to the end that the supreme authority of the Constitution of the United States shall be enforced. We should be careful about the terms of the resolution that we pass, and we should be careful to see to it that we have grounds for taking the action. It seems to me, with the fullest agreement with the Senator from Idaho, that an appropriate committee should consider whether there be something more than rumor, which is not entitled to consideration, and should see to it that the resolution upon which we are to act is properly adapted to secure the results which ought to be secured.

Mr. BORAH. Mr. President, the Senator from New York is undoubtedly correct in the proposition that the resolution should be so framed as to accomplish that which we desire to accomplish. I have not undertaken to follow the modus operandi of the proceedings with reference to getting this resolution to the point where we can finally act under it. I only know the general principle which was announced in the resolution at the time it was introduced by the Senator from Indiana; and I felt then, and I feel now, that, so far as the language of the resolution itself is concerned, we will be able to gather all of the facts which it is necessary to gather. As to the advisability of having another committee pass upon it, that is a matter of detail which we can later discuss more at length.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. SUTHERLAND. I have been unfortunately out of the Chamber during the discussion that has been going on; at least I have been out most of the time; but I understand the Senator from Idaho introduced a resolution of the same character as the one pending, perhaps in the same language, at the last session of Congress.

Mr. BORAH. I did.

Mr. HITCHCOCK. We are compelled to call the attention of Senators to the fact that we are not able to hear on this side of the Chamber.

Mr. SUTHERLAND. Was that resolution referred to the Committee on Education and Labor?

Mr. BORAH. My recollection is that it was, but I would not want to be definite with regard to that.

Mr. SUTHERLAND. Was there any investigation of the subject by the Committee on Education and Labor?

Mr. BORAH. There was not. The resolution was introduced at a time when we were not doing a great deal of business except doing nothing, toward the close of the session, when we were unable to get committee meetings.

Mr. KERN. Mr. President, we are unable to hear on this side of the Chamber anything that is being said on that side.

Mr. HITCHCOCK. Mr. President, I want to call attention to a clear breach of the rules of the Senate, in that Senators are addressing each other instead of addressing the Presiding Officer. If Senators will address the Presiding Officer we will all be able to hear what is said.

Mr. SUTHERLAND. If the Senator will permit me, I understand it is charged that in the State of West Virginia military courts, or so-called military courts, have been organized, that citizens have been arrested and brought before those courts, prosecuted, convicted, and imprisoned.

Mr. BORAH. Mr. President, that is correct.

Mr. SUTHERLAND. That, thus far, is entirely correct?

Mr. BORAH. It is, as I understand the facts.

Mr. SUTHERLAND. Of course I know nothing about the facts, except as I have seen some statements in the newspapers. Has the Senator any other foundation for the statement than the newspaper stories?

Mr. BORAH. Mr. President, I have the statements of those who were in prison, made to me personally; so I feel reasonably certain that they could not be mistaken.

Mr. SUTHERLAND. I should like to ask the Senator one other question, and that is whether or not this condition still prevails in West Virginia; that is to say, whether these so-called military tribunals are still in existence and operation and men are still being arrested.

Mr. BORAH. Mr. President, I do not understand that they are now proceeding to try them. I do not understand that the military tribunals are really in existence. Perhaps they could be called into existence very quickly if the necessity arose. But I do understand that some of the prisoners are still in prison by reason of the judgment of the military tribunal.

Mr. SUTHERLAND. I want to say to the Senator that if that condition prevails in the State of West Virginia, in my judgment the Constitution of the United States is very clearly being violated, and I should think it would be the duty of Congress to cause an investigation of it to be made. I should like to know, however, before I am called upon to act in the matter, whether or not that condition is still going on; and if there is any definite information on that subject in the hands of anybody I should like very much to have it.

Mr. KERN. Mr. President, in response to the inquiry of the Senator from Utah [Mr. SUTHERLAND] as to whether the conditions in West Virginia, so well described by the Senator from Idaho [Mr. BORAH], still exist, I want to say that I hold in my hand a copy of the Huntington (W. Va.) Herald-Dispatch, said to be published by Gen. Isaac Mann, a prominent Republican, who was recently a candidate for the United States Senate. It bears date May 10, 1913. It contains an article headed "Five Socialist prisoners taken to capital city. Under military guard, the men were removed to Charleston."

There also appears in the same issue a news item from Charleston, and purports to give an interview with the governor, from which I quote:

In an interview late to-night Gov. Hatfield intimated that few, if any, cases would be tried by the military commission in the martial-law zone of Kanawha County.

"I shall turn over those prisoners who violate the law in the military district, such as assaults and carrying firearms, to the civil authority. Those who have been aiding and abetting and publishing inflammatory newspaper articles I will hold under chapter 14 of the code, which gives me that authority," he said.

The first article gives an account of the arrest, by order of the governor, of five men connected with the publication of a newspaper.

I have here statements from reputable gentlemen in Huntington who tell about members of a militia company breaking up and destroying a newspaper plant last week. I have here affidavits of men who were denied admission to a United States post office in West Virginia because they were union men, the post office being located in the Sullivan Coal Co.'s store.

This affidavit is one that was made May 12. The affiant says:

That on the 12th day of April, 1913, he joined the organization known as the United Mine Workers of America, affiliating himself with Local Union No. 2938; that a few days after his joining said union, to wit, on the 19th day of April, 1913, affiant went to the post office at Sullivan, W. Va., for the purpose of getting his mail, and after arriving at said post office, or near the same, he was informed that the train was 30 minutes late, he thereupon sat down on the store porch, within which store the post office was located, the said post office being in the coal company's store at said point, and while he was thus waiting Bird Humphries, Richard Hudson, A. C. Underwood, and A. Peyton, who were in the employ of the Sullivan Coal Co. as Baldwin-Feltz Guards, assaulted, beat, and wounded him and forced him to leave said post office and said town of Sullivan without first securing his mail.

Another affidavit is from an Italian subject, Frank Angelo, who has been in the United States for 11 years:

That on the said 13th day of April, 1913, he, together with Joe Blank, were on their way from said mine to the post office located at said McAlpine; that before they reached said post office they were accosted by Ash Dixon, a Baldwin-Feltz guard in the employ of said McAlpine Coal Co., the said guard inquiring of affiant and the said Joe Blank where they were going, to which they, and each of them, replied that they were on their way to the post office to get their mail; thereupon the said Ash Dixon refused to allow said affiant and the said Joe Blank to go to said post office, and threatening them with personal violence in event they or each of them attempted so to do, thereupon affiant was prevented, together with the said Joe Blank, from having access to said post office and were compelled to return without having secured their mail or asked for same at said post office.

Affiant says that he believes the action of the said guard was caused by the fact that he, together with the said Joe Blank, had a few days prior to the date hereinbefore named affiliated themselves with the local union located at Sophia, W. Va., of the United Mine Workers of America, said affiant having been told by said guard a few days before the happening of the matters hereinbefore mentioned that he would have to leave the creek upon which the mines were located, at which he had been working, because of the fact that he had joined the union above mentioned.

I have still another short affidavit to the same effect:

S. T. Perkey, being duly sworn, says that he is a resident of the county of Raleigh, State of West Virginia; that he was present at McAlpine on the 9th day of April, 1913, when Ash Dixon, a Baldwin-Feltz guard, refused to allow Frank Angelo and Joe Blank access to the post office at said point; that he heard the said Angelo and Blank state to the said guard that they were on their way to the post office, and heard the said guard make threats to the said Angelo and Blank that in the event they attempted to go to the said post office that he would beat their heads off, and that the quickest way that they could get back to Sophia or leave the district would be the best for them.

I received this morning a letter, from a man who writes intelligently, from Hilltop, W. Va.:

I live close to Scarbro, W. Va., but I have been ordered to stay away from that place by the mine guards. So, you see, I have to go twice as far after my mail up to Hilltop post office. Nineteen hundred and two I was excluded from the Dun Loop post office, and this is the second time I have had to change my office. I want to tell you the conditions in West Virginia are beyond endurance. We are worse than chattel slaves down here in West Virginia. I am only one, but I am expressing the feelings of thousands of poor coal diggers.

Then he calls my attention to certain sections of the law, and adds:

I am 36 years old. I have never been arrested in my life. I have been in court only as a witness and as a juror. I am ordered to stay away from my post office by the guards employed by the coal company.

I might go on here at great length, I will say to the Senator from Utah, describing conditions as they are now. In the past two weeks two newspapers have been suppressed—one in Charleston and one in Huntington. Word comes to me from every part of West Virginia, not only from union men but from business men, from school-teachers, from men apparently of high character and standing, who say that the conditions there are intolerable and have not been exaggerated by the papers.

I received this morning a letter from the principal of a school in West Virginia. I will not give the name of the place. It is a well-known place, but because of the presence of a coal-mine owner whom I saw in the cloakroom here to-day I am afraid the writer of this letter would lose his place if I should mention the name of the town. He says:

I am not a labor leader, as you can see by my stationery, but I do like to see persons get their just dues. I was in the Paint Creek region 40 days last summer as first sergeant of Company H, First Infantry, West Virginia National Guards, and I know that an investigation into the coal-mining situation in our State will be a good thing.

I am only a citizen and have but a little influence, but I want you to push this matter to the limit, because as I see the situation in Paint and Cabin Creeks and here in my own county and surrounding counties if something is not done by the powers higher up something will be done by the powers lower down, and you know what that means to a State.

Hoping you will give this sufficient time to glance over it and accept it as the opinion of one not directly interested, I am, etc.

So I say from all over this State during the past two weeks I have had statements of this kind. I have had statements from people in distant States, who say they have been driven out of West Virginia because of their political and industrial connections, and who are pleading for an investigation by the United States Senate. I say this only in answer to the question of the Senator from Utah. These statements give conditions as they exist to-day, as they existed last week, as they have existed all the time.

While I am on my feet, Mr. President, I want to say that I hope this resolution, as reported by the Committee to Audit and Control the Contingent Expenses of the Senate, will not be sidetracked. The resolution as originally introduced by the Senator from Idaho [Mr. BORAH] provided that a committee of three Members of the Senate should be appointed to investigate these questions. When I reintroduced the resolution I adopted the language of the original resolution. I was in favor of a committee of three Senators, because it was thought that three Senators might be found whose duties on other committees would not prevent their going into this field and seeing for themselves and summoning witnesses who might be accessible, to the end that the truth might be known. But when the matter was referred to the Committee to Audit and Control the Contingent Expenses of the Senate that committee thought it best that the question of investigation should be referred to the Committee on Education and Labor rather than to a committee of three Senators.

Of course a strong effort has been made to defeat or, if not to defeat, to sidetrack and postpone this investigation by influences from West Virginia and elsewhere. Senators on this floor, numbers of them, have received telegrams urging that course. While the matter rested in the Committee to Audit and Control the Contingent Expenses of the Senate, Senators received telegrams from a coal-mine owner of great wealth urging against the investigation. No more important question, it seems to me, has been presented to the Senate since I became a Member of it.

Mr. SHAFROTH. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. KERN. I do.

Mr. SHAFROTH. I will state to the Senator, Mr. President, that there was another reason which the committee took into consideration in having the investigation referred to the Committee on Education and Labor. It was that the resolution, as introduced, provided for clerical assistance. It was thought that if the matter were heard by the Committee on Education and Labor there would be no necessity for special clerical assistance, and that as it was a standing committee having matters of that kind in charge it would be more appropriate that the resolution should be referred to that committee to be investigated by it.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. KERN. Certainly.

Mr. GALLINGER. The Senator has just said that telegrams were received from a rich coal-mine owner of West Virginia. I received a telegram from a man that I presume would come under that nomenclature, who recently occupied a seat in this body. That man did not ask me to undertake to suppress this investigation, however, but asked for delay so that the junior Senator from West Virginia might be present when it was considered. I exerted myself to secure a little delay for the simple purpose of having present the junior Senator from West Virginia, who, I understood, desired to offer some amendments to the resolution. The Senator recognizes the fact, I think, that the telegrams came from ex-Senator Watson, who, I will say, does not belong to my political party.

Mr. KERN. Mr. President, this is not a political question. For months and months charges have been made in the public press regarding conditions in West Virginia, not by the so-called yellow press but by newspapers and magazines of the highest respectability. Most of these newspapers, in view of the facts disclosed—although many of the most important facts were suppressed—have asked for an investigation by the Senate, to the end that the public may know whether or not these charges are true.

I think the New York Globe can hardly be accused of being a yellow newspaper or being particularly in sympathy with labor, either organized or unorganized. Yet the New York Globe, since this resolution has been pending, has the following:

> This West Virginia outbreak has been of such character and on so extended a scale; it has cost so much in life, property, and business to a great State; it has indicated such a tensity of feeling between the miners and the operators that there is need for the community to know what it was about and on which side lay the merits. A settlement that merely sends the men back into the diggings, without assurance that the trouble may not break out again at any time, will not be satisfactory.
>
> It is quite within the present demands of an exacting public sentiment toward these questions of industrial condition and human welfare that a thorough study should be made of such a situation. The whole Nation is turning its thoughts to this great set of issues. It can not think accurately or decide rightly until it knows the facts. Therefore, whether there is a present settlement or not, the inquiry ought to go ahead. If this course is taken, the chance of a future outbreak will be lessened.

I call attention to a digest of newspaper opinions on this subject published in the Literary Digest of April 5 of the present year.

"This thing of trying civilians by court-martial is a dangerous proceeding, for, if allowed, there is hardly any limit to its abuse," remarks the Houston Post, and the New York Evening Post—surely not a "yellow" paper—agrees that it is a "vicious practice."

"West Virginia does what the United States can not do," says the New York World. "It suspends the civil law in time of peace." This paper continues:

> The President of the United States is specifically forbidden to suspend the writ of habeas corpus except in cases of invasion or rebellion. The governor of West Virginia exercises that power in the presence of a sordid disagreement over work and wages.
>
> There can be no such thing as martial law under Federal sanction even in time of war except in territory in which the civil authority has ceased. The civil courts of West Virginia, in full operation, are ignored by tribunals presided over by militiamen.
>
> More than the welfare of one monopoly-ridden State is involved in this tyranny. It menaces the peace of every State. It is a wrong that will rankle in millions of hearts. It is an injustice that will embitter political and industrial controversies from sea to sea. It is an error that even the most infatuated of employers must see can lead only to mischief and reprisal.
>
> The American people will not be denied trial by jury. They will not submit to despotism. If the puppets of privilege who now dragoon West Virginia do not know this, some of their powerful friends and backers among the coal magnates should instruct them speedily.

I want to quote from the New York Tribune. An editorial utterance of that paper ought to command respect on the other side:

> If anywhere in the world workmen need organization in order to protect their interests it is in the West Virginia coal-mining district, where the strike is. * * *
>
> In the West Virginia coal fields the mine operators are the landlords, the local merchants—for the miners trade at the company stores—and they are very much of the local government so far as there is any in those mountains. Indeed, they have always been a large part of the State government, too. Each way the miner turns he comes up against the employing corporation. When he rents a house it must be at the company's terms. When he buys food and clothes he must pay the company's prices. And when he seeks his legal rights, it must be from authorities that are likely to be subservient to the great local industry. It is a species of industrial serfdom to which he is subjected. * * *
>
> All American instinct for fair play opposes leaving workers as defenseless against aggression and oppression as these West Virginia miners, unorganized, are.

Mr. President, during these past months it has been known of all men in this country that there were disturbances in West Virginia. What those disturbances were was not accurately known, because, as I pointed out here the other day, a zone had been created in the midst of which these mines were situated, in the midst of which the military commission was planted, and in which zone there was such a condition that the greatest news-gathering agency in America did not dare send its representatives there to report the trial of one of the most famous women in America that was going on there. But Collier's Weekly sent a representative there in the person of Mrs. Fremont Older, a lady who brought me a letter of introduction the other day from a Cabinet officer, who described her as one of the best women in America. She went there. She found access there in some way, and in the most graphic manner she laid before that part of the public who are readers of Collier's Weekly the horrible conditions that prevailed there within 300 miles of the National Capital. Everybody's Magazine has published other accounts of those conditions.

The Pittsburgh Leader is another paper in which I have seen accounts written by a correspondent who declares that he himself was imprisoned in that military district on no other charge than that he was there seeking to gather the truth about the situation.

These charges have been made through the length and breadth of the land, and I confess I do not understand the attitude of the mine owners of West Virginia and their friends, when in the face of all these charges, charges that go to their patriotism and to their manhood, they come before the American Senate and seek to sidetrack or to stifle the proposition to have an investigation that the truth may be known. It seems to me that they of all men, if they are fair, square Americans, and love their country, who care for the good opinion of their fellow men, would be the very first to come here and demand that this investigation shall be had and that they shall be cleared of these damning charges.

My friend, the Senator from Idaho [Mr. BORAH], said he was not apprised as to the provisions of the constitution of West Virginia or as to what safeguards——

Mr. LODGE. Before the Senator takes up that point about the constitution of West Virginia, I should like to ask him a question in regard to the framing of the resolution.

In subdivision 5, line 8, on page 4, he uses the words "in adjusting such strike."

Mr. KERN. I do not think that should be in the resolution. I do not know but that it was in the original resolution.

Mr. LODGE. It is repeated in the amended form, reported from the Committee on Contingent Expenses.

Mr. KERN. It will do no harm, I assure the Senator.

Mr. LODGE. If the Senator will allow me, what strike?

Mr. KERN. There was a strike.

Mr. LODGE. I mean there is no strike described in the resolution. It says "such strike." There is no reference whatever to it in the resolution.

Mr. KERN. I do not know as to that. I simply took the printed resolution as it was introduced at the last session and reintroduced it with the amendment——

Mr. LODGE. I understand; but certainly some committee, somebody who is responsible, ought to make that intelligible. That is all I am trying to get at.

Mr. BORAH. Mr. President, as this all seems to come back to me, I will make it intelligible by suggesting that we strike out the fifth paragraph entirely, because I do not think it adds anything to or takes anything away from the strength of the resolution. If the Senator from Indiana thinks there is no particular virtue in the fifth subdivision I will move that it be stricken out.

Mr. LODGE. The Senator will see the point I make. It uses the words "such strike" and does not describe to what strike it refers.

Mr. KERN. It ought to be stricken out. It has no place there.

Mr. ROOT. It probably refers to the preamble of a former resolution.

Mr. BORAH. Not to a preamble, but to the subconsciousness of the one who drew it.

The VICE PRESIDENT. May the Chair interpose in order that the Chair may know the exact status? Has the fifth clause of the resolution been stricken out by unanimous consent? Does it go out by unanimous consent? The Chair so understands it, and the fifth clause is out of the resolution.

Mr. LODGE. If the Senator will allow me, in regard to the sixth clause, I agree very strongly with the argument the Senator from Idaho [Mr. BORAH] made with respect to the importance of protecting every citizen in his rights under the Constitution. This says "the laws of the United States." It

seems to me the rights which are said to have been infringed are constitutional rights, if they are anything.

Mr. BORAH. Technically the Senator from Massachusetts is entirely correct, but the Constitution itself is the fundamental law of the United States.

Mr. LODGE. We usually refer to it as "the Constitution and laws."

Mr. BORAH. I think the language suggested by the Senator from Massachusetts is preferable. I am always glad to have his assistance as to the correct use of language.

Mr. LODGE. Let it read "the Constitution and laws," or "the Constitution of the United States."

Mr. BORAH. The resolution is now under the control of the Senator from Indiana, and I have simply made the suggestion.

Mr. LODGE. I call the attention of the Senator from Indiana to it, because under this sixth article we are certainly asked to take a step of very great gravity. If we are going to investigate the action of a State of this Union, and the Senator from Indiana said the State of West Virginia would be fairly treated by the Committee on Education and Labor—I do not know exactly our powers in bringing a State of the Union to the bar of the Senate, but if we are going to investigate the action of a State I think we ought to proceed very carefully and in very careful language, so that it may be known that we are resting the investigation on the fundamental law of the United States, which is supreme in the States.

Mr. KERN. The remark made by the Senator from Indiana as to the proposed dealing with the State of West Virginia was in response to the statement made by the Senator from West Virginia. There is no purpose to arraign any State here. He having referred to the State of West Virginia, I asked him if he did not think the State of West Virginia would have a fair hearing before the Committee on Education and Labor. This resolution directs the committee to make a thorough and complete investigation of the conditions existing in certain parts of West Virginia for the purpose of ascertaining, among other things, whether or not parties are being convicted and punished in violation of the laws of the United States.

Do I understand the Senator's objection is to the omission of the word "Constitution"? As has already been aptly and truly stated by the Senator from Idaho, it is regarded everywhere, perhaps except in West Virginia, that the Constitution is the supreme law of the land in both State and Nation. When we inquire whether men have been convicted in violation of law, if it should be found that they have been denied jury trial as the Constitution of the United States provides, as the constitution of the State provides, it might be well found that they were being convicted and punished in violation of the laws of both Nation and State.

I desire to call attention——

Mr. BACON. Mr. President, I do not wish by my interrogatory to be understood as antagonizing the Senator's proposition, but of course we have in view practical ends, and I should like to have the Senator state, in case it should be found in the present subject of inquiry that men were convicted in violation of law, what would be the action the Senator would propose in view of that finding. In other words, the thought in my mind is this: I am as fully in sympathy with the views announced and supported in the great Milligan case as anyone possibly can be, and as much opposed to the trial of men by military courts as one can be. I have a very vivid recollection of the time when that great case was decided and the great feeling of relief which was brought to a very large section of this country.

But the thought in my mind was, if the laws are being violated and if anyone is being imprisoned in violation of law, is there any practical remedy that the Senate of the United States can apply?

I repeat, without antagonizing the Senator at all, looking to practical ends, if a committee shall find that men have been convicted and imprisoned by order of a military court and in violation of law, what we would all concede to be in violation of law, which no one will recognize more fully than myself, what practical remedy can the Senate of the United States or even the Congress of the United States apply?

Mr. KERN. Mr. President, that question is as difficult of solution as would be the solution of the question as to what would be done to guarantee a State republican form of government, as provided by the Constitution of the United States. In these latter days, when evils are found to exist not only in this country, but in other countries where people are being oppressed, citizens deprived of their rights, conditions intolerable springing up, it has been found to be of great benefit to turn on the light to the end that public attention may be drawn to the conditions, and, when that is done, as a rule there is a way found to remedy the wrong.

I am unable, as the Senator knew I would be, to point out the precise thing that the Senate of the United States might do in case this condition was found to exist. The question was asked here last summer when the proposition was made for an investigation as to child labor in various parts of the country, What are you going to do about it; what will be the practical results of that investigation? Yet it is known to all men that where light is turned on where conditions of oppression exist there is in this country a public sentiment, sometimes in the immediate vicinity, at any rate in the country at large, that will make itself felt in the righting of the wrong and the cleaning up of the foul places.

Now, to return to the question as to what the Constitution——

Mr. BACON. If the Senator will pardon me, I repeat I am not doing this in any antagonism, but I am in search of light. The Senator said he could not suggest what precise action the Senate could take in case that particular fact were ascertained, which seems to be pretty well known from the information the Senator gives us and what has been found in the press, in letters, and so forth. The Senator said he could not specify what precise action could be taken. I am looking to practical ends. I understand that we can not properly make investigations except for practical purposes. Can the Senator suggest any action that the Senate could take? I do not say what precise action it would take, but any action that it could take.

Mr. KERN. I have answered the Senator's question as fully as I can.

Mr. REED. Mr. President——

Mr. KERN. I yield to the Senator from Missouri.

Mr. REED. I might suggest, in the absence of any other right—and I am not conceding that there is no legal power, if we were to discover that citizens of the United States were being deprived of their liberty without due process of law in any State and they had no legal remedy, and that fact was laid before the Senate and the country—we might at least submit a constitutional amendment if we could not do anything else to remedy it, because such a condition as that would be so grave as to call for that kind of important action.

Mr. BACON. I should like to ask the Senator if his predicate is not one that is not to be considered as possible when he says "if there is no remedy"? Whenever one is imprisoned illegally there certainly is a remedy.

Mr. REED. I said "if there is no other remedy." Mr. President, I am trespassing on the time of the Senator from Indiana, and I do not desire to do it, but since I have gone this far, if the Senator will pardon a word further——

Mr. KERN. I yield further.

Mr. REED. Suppose the courts of the State and the courts, even, of the United States should hold that when a governor of a State had declared that a condition of war existed no court could go back of that declaration, and it would be taken as conclusive? Therefore, the Supreme Court of the United States itself could not grant relief. Suppose that condition existed? It could be met, certainly, by a constitutional amendment.

I apprehend the Senator is going to refer to the Milligan case, where the court did go back of the alleged facts and examined the real facts; but I am informed, without knowing anything more than the mere statement which was made to me, that the Court of Appeals of West Virginia has already held that the action of the governor was conclusive upon the question of fact, and that war did exist, if he said it existed, whether there ever had been a gun fired or not.

Now, if that should be followed and that doctrine should be adopted by the Supreme Court of the United States, it would be a case that would clearly call for action by this body, and if this body could not act without a constitutional amendment it would be a proper matter to consider with reference to whether we ought to pass upon such an amendment.

Mr. BACON. I again, with the permission of the Senator from Indiana, desire to say that the Senator predicates what he said upon something which can not be assumed either as existing or as possible. The Senator says that if the Supreme Court of the United States should so decide, would we not have the right, or would it not be our duty, and certainly our privilege, to propose an amendment to the Constitution which would cover a case of that kind. We have already an amendment of the Constitution which directly covers it. Here is the language of the Constitution:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law.

The contention here is that these parties have been deprived of liberty without due process of law, and the reasonable pre-

sumption is that the Supreme Court of the United States, whenever that question is submitted to it, would hold that that is a question within the jurisdiction of the Federal courts and would enforce the rights of parties under this provision of law which I have just read. I only ask him for the purpose of endeavoring to ascertain what practical end is to be accomplished; in other words, what we can do. The thing that the Senator suggests we can do we have already done, to wit, we have adopted a constitutional amendment which covers that case and guarantees that right.

Mr. REED. Of course everybody knows that provision is in the Constitution, but the question of the construction which the courts may give it becomes a very important one. If the courts should construe it as I indicated it might be necessary to have further constitutional legislation.

Mr. KERN. The facts have been laid before the Senate, and no good purpose can be served by stopping for any metaphysical discussion, the drawing of any hair lines as to what might be the result if certain things were or were not done. The question before the Senate is whether the American people are entitled to have the truth about this situation. Is it within the power of the Senate to throw the light on that spot, and if it is within the constitutional power of the Senate, is it not the duty of the Senate to say, "Let there be light"?

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. KERN. Certainly.

Mr. BORAH. In view of some suggestions which have been made in regard to the language of this amendment, and in order to strengthen it, would the Senator from Indiana have any objection to inserting the words "Constitution and" in the sixth provision? It now reads:

Whether or not parties are being convicted and punished in violation of the laws of the United States.

It would then read, "punished in violation of the Constitution and laws of the United States."

Mr. KERN. I have no objection whatever to that modification.

Mr. BORAH. If I may have the attention of the Senate, then, I offer the amendment. After the word "the" and before the word "laws," in the sixth subdivision of investigation, I move to insert the words "Constitution and."

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. On page 4, line 10, after the words "violation of the," insert the words "Constitution and," so as to read:

Sixth. Whether or not parties are being convicted and punished in violation of the Constitution and laws of the United States.

The VICE PRESIDENT. Without objection, the resolution will so read.

Mr. KERN. I should like to call the attention of the Senator from Georgia [Mr. BACON] and of the other members of this body, particularly those who are lawyers, to certain provisions of the constitution of the State of West Virginia. The first is this remarkable provision, which goes right to the root of some of the questions that we are discussing here to-day:

The provisions of the Constitution of the United States and of this State are operative alike in a period of war as in time of peace, and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good government and tends to anarchy and despotism.

No similar provision is found in the constitution of any other State with which I am familiar. Let me read it again, and while I am reading it this time, please keep in mind those things that are conceded to have happened in West Virginia within the past three months:

The provisions of the Constitution of the United States and of this State are operative alike in a period of war as in time of peace, and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good government and tends to anarchy and despotism.

That constitution was adopted in 1872. Does that section of the constitution require any construction? Was it necessary for the Supreme Court of West Virginia in a decision covering some pages to undertake to make that provision plain? The constitution of West Virginia follows almost in terms the language of the Supreme Court of the United States in the Milligan case. I read from page 120, Seventy-first United States Reports. Says the Supreme Court of the United States:

The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false, for the Government within the Constitution has all the powers granted to it which are necessary to preserve its existence, as has been happily proved by the result of the great effort to throw off its just authority.

Let us go a little further with the constitution of West Virginia.

The military shall be subordinate to civil power; and no citizen, unless engaged in the military service of the State, shall be tried or punished by any military court for any offense that is cognizable by the civil courts of the State.

Does that require construction? Is that language plain?

No citizen, unless engaged in the military service of the State, shall be tried or punished by any military court for any offense that is cognizable by the civil courts of the State.

Yet the Supreme Court of West Virginia has denied the benefit, the privilege, of the writ of habeas corpus to two men who were tried by a military court-martial and imprisoned by the finding and judgment of that military court.

Mr. BACON. Will the Senator permit me to ask, for information, whether there has been any effort to have that decision of the Supreme Court of West Virginia carried to the Supreme Court of the United States?

Mr. KERN. I suppose if the poor men who are now in prison can find money enough to carry it to the Supreme Court of the United States it will be carried there.

Mr. BACON. Suppose they did not have the money to carry it to the Supreme Court of the United States, can we release them?

Mr. KERN. Oh, not at all. After the answer I made the Senator so specifically awhile ago as to the purpose of the investigation and good effects that might come to the public, the public morals, the public weal, by an investigation of this kind, why should he continue to draw the technical point as to what law we will enact in case we find certain things have occurred?

Let us go a little further. The constitution of West Virginia, adopted in 1863, provided as to the writ of habeas corpus as follows:

The privilege of the writ of habeas corpus shall not be suspended except when, in time of invasion, insurrection, or other public danger, the public safety may require it.

But when the constitutional convention of 1872 met that section was amended so as to read as follows:

SEC. 4. The privilege of the writ of habeas corpus shall not be suspended—

Stopping there and leaving off everything else, making it a part of the fundamental law of West Virginia that under no circumstances should the privilege of the writ of habeas corpus ever be denied to the citizen. That constitution provides further:

No person shall be held to answer for treason, felony, or other crime not cognizable by a justice unless on presentment or indictment of a grand jury.

Article III, section 10, provides that—

No person shall be deprived of life, liberty, or property without due process of law and the judgment of his peers.

Article III, section 17, provides for jury trial of criminal offenses.

Now, in connection with those constitutional provisions, that are so plain that he who runs may read, I desire to call your attention to the military order under which scores of men were tried and convicted, under which 2 men at least are now serving sentences in the penitentiary, and 8 or 10 more are confined in the county prison. Listen to the military order which created this court to try these cases in this State, whose people are protected by a constitutional provision that any departure from the constitution in time of peace or war "under the plea of necessity or any other plea is subversive of good government":

General Orders, No. 23.

The following is published for the guidance of the military commission organized under General Orders, No. 22, of this office, dated November 16, 1912:

1. The military commission is substituted for the criminal courts of the district covered by the martial-law proclamation, and all offenses against the civil laws as they existed prior to the proclamation of November 15, 1912, shall be regarded as offenses under the military law, and as a punishment therefor the military commission can impose such sentences, either lighter or heavier than those imposed under the civil law, as in their judgment the offender may merit.

In other words, this handful of militia officers, scions of the mighty stock of coal operators as some of them doubtless are—this little coterie of little men may, if they desire, under the provisions of that constitution, declare that a man who is guilty of larceny shall suffer death.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Utah?

Mr. KERN. Certainly.

Mr. SUTHERLAND. By whom was this order, which the Senator has just read, issued?

Mr. KERN. It was issued by command of the governor, and signed "C. D. Elliott, adjutant general."

Mr. CHILTON. What is the date of it?

Mr. KERN. The date is not here. It was issued, however, after November 16, 1912.

Under this order, I repeat, these American citizens have been tried; under this order two of them were confined in the penitentiary. Those men thus confined in the penitentiary in West Virginia have been denied the privilege of the writ of habeas corpus by a majority of the supreme bench of that State.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Iowa?

Mr. KERN. Certainly.

Mr. CUMMINS. The Senator from West Virginia some time ago remarked that something had been decided by the supreme court of that State. I should like to know whether the court of last resort of West Virginia has rendered a decision affirming the legality or the constitutionality of the order which the Senator from Indiana has just read?

Mr. KERN. I have just stated—and I have the opinion here—that a majority of the Supreme Court of West Virginia denied to these men in the penitentiary the privilege of the writ of habeas corpus.

Mr. CUMMINS. I am very sorry to hear it. I have great respect for courts, but that is the most extraordinary thing I have ever heard in all my life.

Mr. KERN. I was about to say, Mr. President, that under the provisions of this order, signed by command of the governor by the adjutant general, a man or a woman charged with the most trivial offense might forfeit his or her life; and if there was judgment of forfeiture which went to the extent of depriving the citizen of life, under the decision of the majority of the Supreme Court of West Virginia there would be no redress, because they say the governor's power under a statute that has been enacted under the constitution of that State can not be questioned.

Mr. CUMMINS. Mr. President, may I ask one further question of the Senator from Indiana?

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Iowa?

Mr. KERN. Certainly.

Mr. CUMMINS. Is the decision of the Supreme Court of West Virginia based upon the governor's power to suspend the right of the writ of habeas corpus, or is it based upon the lawfulness of the order issued by the governor of West Virginia?

Mr. KERN. It is based, as I understand, upon the lawfulness of the conduct of the governor in creating this military court, which found these men guilty and sentenced them to the penitentiary. I have not, however, read all of the order.

Mr. WORKS. Mr. President——

Mr. KERN. If the Senator from California will allow me, I desire to finish reading this general order.

2. Cognizances of offenses against the civil law as they existed prior to November 5, 1912, committed prior to the declaration of martial law and unpunished will be taken by the military commission.

3. Persons sentenced to imprisonment will be confined in the penitentiary at Moundsville, W. Va.

By command of the governor:

C. D. ELLIOTT, *Adjutant General.*

Now I yield to the Senator from California.

Mr. WORKS. Mr. President, it was said by the Senator from Indiana that the decision of the court turned upon the validity of this particular order; but I suppose the court must have gone behind that to determine whether the governor had declared a state of insurrection to exist that would afford a basis for the issuing of an order of that kind. Is not that true?

Mr. KERN. Oh, I think so.

Mr. WORKS. Then, really, the question depends upon whether there was such a condition as to authorize the governor to declare the State, or a particular county of the State, in insurrection, and, based upon that, to issue the order, and thus to justify, or attempt to justify, the arrest and trial of those men. I do not see that there is anything so very extraordinary about that. The circumstances might not have warranted the order; I do not know; but certainly there is nothing extraordinary about it.

Mr. KERN. Speaking facetiously, I suppose it occurs every day in some State; but, speaking earnestly, I insist that such proceedings as are complained of in West Virginia have occurred in no other State.

Mr. CUMMINS. Assuming that there was a state of insurrection, and that the governor of the State properly declared it, the order that has just been read by the Senator from Indiana is entirely unwarranted. It could not, as it seems to me, be sustained under any circumstances. I do not know, and I never even heard, of the assertion of a power of that sort before.

Mr. KERN. Perhaps it ought to be stated, in this connection, that this military zone within which this military commission has jurisdiction was situate within the same county in West Virginia in which the capital of the State is situate, and it is conceded here, and it must be conceded everywhere, that at that time and at all times the courts in that county seat, which was the capital of the State, were open and able to execute and have had at hand sufficient power to execute the laws.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Connecticut?

Mr. KERN. Certainly.

Mr. BRANDEGEE. Mr. President, the Senator from Indiana has said that he has the decision of the Supreme Court of West Virginia at hand in this matter. If he has not already done so, I hope he will put the reference to it in the RECORD. I should like to read the decision and like to know where it is to be found. I suppose it is in one of the State Reporters. Being a recent decision, of course, I assume it is not in the bound volumes of the State Reporters.

Mr. KERN. It is in the present volume of the Southeastern Reporter, on page 243.

Mr. BRANDEGEE. What is the date of the volume?

Mr. KERN. It is the current volume. I have not the date.

Mr. SUTHERLAND. Mr. President, unless it is too long, will the Senator from Indiana read the syllabus of the case?

Mr. KERN. The syllabus of the case is as follows:

The governor of this State has power to declare a state of war in any town, city, district, or county of the State, in the event of an invasion thereof by a hostile military force or an insurrection, rebellion, or riot therein, and, in such case, to place such town, city, district, or county under martial law.

* * * * * * * *

2. The constitutional guaranties of subordination of the military to the civil power, trial of citizens for offenses cognizable by the civil courts in such courts only, and maintenance of the writ of habeas corpus are to be read and interpreted so as to harmonize with other provisions of the constitution authorizing the maintenance of a military organization and its use by the executive to repel invasion and suppress rebellion and insurrection, and the presumption against intent on the part of the people, in the formulation and adoption of the constitution, to abolish a generally recognized incident of sovereignty, the power of self-preservation in the State by the use of its military power in cases of invasion, insurrection, and riot.

3. It is within the exclusive province of the executive and legislative departments of the Government to say whether a state of war exists, and neither their declaration thereof nor executive acts under the same are reviewable by the courts while the military occupation continues.

4. The authorized application of martial law to territory in a state of war includes the power to appoint a military commission for the trial and punishment of offenses within such territory.

5. Martial law may be instituted in case of invasion, insurrection, or riot in a magisterial district of a county, and offenders therein punished by the military commission, notwithstanding the civil courts are open and sitting in other portions of the county.

6. Acts committed in a short interim between two military occupations of a territory for the suppression of insurrectionary and riotous uprisings, and such in their general nature as those characterizing the uprising are punishable by the military commission within the territory and period of the military occupation.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Connecticut?

Mr. KERN. Yes; certainly.

Mr. BRANDEGEE. Of course, I do not want to break the continuity of the Senator's remarks, nor do I want to ask for the insertion of anything that he would not want to appear in the speech that he is making, but if he does not intend to ask unanimous consent that that decision may be incorporated in the RECORD I should like to ask unanimous consent that it may be printed in the RECORD; if the Senator does not want it in his speech, at some other part of the RECORD, because I for one should like, and I think other Senators might like, to observe the course of reasoning pursued by the court.

Mr. KERN. There was a dissenting opinion by Judge Robinson, which is also here.

Mr. BRANDEGEE. I would certainly want both the opinion and the dissenting opinion.

Mr. KERN. I shall be very glad to have them published in the RECORD.

The VICE PRESIDENT. As a part of the Senator's remarks?

Mr. KERN. At the conclusion of my remarks.

Mr. BRANDEGEE. Let them come in at the conclusion of the Senator's remarks, if he does not object. If there is no objection, I will also ask that the opinions be printed as a Senate document.

The VICE PRESIDENT. Is there any objection to the request?

Mr. JAMES. There will be no necessity for that.

Mr. KERN. Mr. President, under that order another person, alluded to here the other day, was tried.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Florida?

Mr. KERN. Certainly.

Mr. BRYAN. Was the opinion of the court ordered printed as a Senate document?

The VICE PRESIDENT. It has not yet been so ordered.

Mr. BRANDEGEE. I should like to have a ruling upon the request. Was there any objection to it?

The VICE PRESIDENT. Is there objection to the request?

Mr. JAMES. I do not imagine—although I would not object to the request of the Senator—that there would be any use for the paper as a public document. It looks to me as if it might be used by Senators merely to determine how they would vote upon this resolution, but I can not see that it would be of any use to the public generally to have the opinion printed, although I have no objection to that, if the Senator so desires.

Mr. BRANDEGEE. I thought very likely it might be useful, Mr. President, and I thought there might be some demand for it. It might be more convenient in document form than in the RECORD.

The VICE PRESIDENT. Is there objection to the request?

Mr. JAMES. I have none. Of course, that includes the dissenting opinion, because that would be of as much interest to the public, I imagine, as the majority opinion of the court.

Mr. BRANDEGEE. Oh, certainly; I should want that printed by all means.

Mr. WORKS. There are more than one of these decisions, I understand.

Mr. BRANDEGEE. It was only for the printing of one that I asked, I will say to the Senator from California, and that was the one of which the Senator from Indiana has just read the syllabus.

Mr. WORKS. There is another, a later decision, as I understand, involving these very same questions; and if the others are going to be printed, it seems to me that this ought to be printed also.

Mr. BRANDEGEE. If the Senator will make that request I shall not object.

Mr. WORKS. I have in my hand a copy of the decision in the case in re Mary Jones and others, a very interesting statement of the case and of the questions involved. The opinion is an important one, of course, and I suggest that both decisions be printed in the same document.

Mr. KERN. I have no objection.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the decisions referred to will be ordered printed as a public document. (S. Doc. 43.)

Mr. KERN. Mr. President, I was about to say that under this order the old woman alluded to here the other day, familiarly known as Mother Jones, was tried. She was arrested last February by military order. She was imprisoned until some time in March, when she was tried by this military court-martial. Under the practice of the court-martial the officers constituting it made their finding and sent it to the governor for his approval. They made their finding last March, and they sent it to the governor some time in March. With that finding in his possession, its contents undisclosed, Mrs. Jones was kept in custody until about the time of the commencement of the discussion on this resolution the other day, and after the light began to be turned on here Mrs. Jones was taken under guard to the city of Charleston, where she had a conference with the governor of the State. After that conference, which was of no importance whatever, she was permitted to go unattended by a guard. She is now in Washington City, a free woman. So that, if this resolution does no other good in any other direction, it will have accomplished the liberation of this woman, who has been unlawfully imprisoned since last February.

Mr. JAMES. Mr. President, I should like to ask the Senator from Indiana whether or not anybody has any information as to what was the finding of this court-martial which was sent sealed to the governor?

Mr. KERN. Mother Jones will go down to her grave without knowing whether or not there was a finding that she should die or live. She only knows that she was arrested in the city of Charleston, carried into the military zone, imprisoned, and tried by these young militia officers, and then her imprisonment continued, as stated; she only knows that she was deprived of her liberty since last February, and that now she is free.

After reading the provisions of the fundamental law of West Virginia, which contain those safeguards by which it was thought that the liberty of the people of that State would always be held inviolate, and after reading this military order and reading the decision of the court, which strikes down the provisions of the fundamental law and upholds the governor in this unprecedented exercise of arbitrary power, is it remarkable that there are people, even in West Virginia, who believe in the doctrine of the recall of judges?

Mr. President, when Theodore Roosevelt last year in a speech at Columbus, Ohio, uttered those remarkable sentiments in favor of a recall of judicial decisions there was a sort of shudder of horror on both sides of this Chamber and at both ends of this Capitol, and the wiseacres of both political parties predicted that that declaration of Theodore Roosevelt would end his political career. Yet those of us who watched the progress of events were startled still more a little later when it became known that in those localities in which those utterances of his had been most strongly urged against him he received a greater vote than he received in other quarters where the question had not been discussed. That utterance of Theodore Roosevelt found such approval in the ranks of the Republican Party that when the election came in November he received a majority of the Republican votes in the Republic.

Mr. President, no doubt the doctrine of the recall of judges and of judicial decisions has gained ground immeasurably in the past five years; and why? Every such decision as that to which I have referred here to-day, written in the interest of hoarded wealth, striking down the liberty of the citizen, and abridging the rights of the common people, makes 10,000 converts to the doctrine of judicial recall and the recall of judicial decisions. I am not enamored of the doctrine; I have not been enamored of it; but, Mr. President, if decisions of this kind are to become common, if they are to multiply very much, if courts in the various States of the Union that enunciate such doctrines as these and undertake, as this decision does, to strike down the provisions of the fundamental law enacted for the protection of the people, then you may be sure that it will not be very many years until a vast majority of the people of this country who are interested in the problems of human liberty will be tempted to join the forces that declare that there resides in the great body of the American people the power to overcome such decisions, which are so subversive of popular rights.

I had a telegram the other day from a leader of socialism denunciatory of these conditions. When I showed it to a Senator here he deprecated the idea that there was such relationship between me and that man that he would feel free to telegraph me. Men are being imprisoned in West Virginia to-day because they are Socialists; newspapers are being suppressed because they teach the doctrines of socialism; men are discharged from mines, according to the testimony taken before the military commission, because they vote the Socialist ticket and because they belong to a labor union; and while the doctrine of judicial recall gains favor with the people whose rights are stricken down by unjust decisions, so do the forces of socialism multiply in such breeding grounds as those in parts of West Virginia, with special privilege on one hand eating out the substance of the people, and with judges setting aside constitutional safeguards to the end that the people may be oppressed and denied rights for which their fathers fought and died.

Socialism has grown in this country until more than a million men cast their votes for the Socialist ticket at the last election. The fire of socialism is fed by such fuel as this West Virginia decision, and the lawless action there of men charged with the execution of the laws. Socialism grows and will grow in exact proportion as wrongdoing is countenanced and upheld, not only by the strong legislative forces of the country, but especially when they are backed up by the judicial arm of the Government.

Senators, these million men who voted the Socialist ticket last November are the men who ought to be full of that kind of patriotism in time of war that would impel them to go out and walk on the uttermost ridge of battle, to peril their lives in defense of their country and their country's flag because they love their country, because they venerate the laws of the land.

This great body of a million or more men whose loyalty you question, and the millions more who make up the organized labor forces of the land, and who are not yet Socialists, will love their country and its flag if you will permit them, and not drive them away by making them constantly realize that they can not expect fair treatment either in the administration of the law by executive officers or in the construction and enforcement of law by the courts.

If the time comes—we all pray it may be averted—when the integrity of this Nation is assailed, either from within or from without—if the time comes when the American Republic is brought face to face with the marching armies of the nations

beyond the sea, we will need those million of men, for they are men that toil with their hands. They have strong arms. They are the same type of men as that splendid Army of the Republic 50 years ago who won for themselves imperishable renown by their sacrifices in behalf of the Union and the flag.

Do you make good citizens of men by denying them their rights? Do you command the respect and the patriotism of the toilers of this land by turning them away when they come into this great tribunal and simply ask that the light be turned on, to the end that the people may know as to whether or not God reigns and the Constitution still lives, and whether they and their kind are to be despoiled of their heritage of liberty?

For a man to be a loyal, good citizen of this country he must love his country. Can you ask him to love his country and be true to her traditions and institutions when in his heart of hearts he knows that in this land and beneath its flag there is a law for him which is not enforced against others, and that he can no longer appeal to the courts for the enforcement of his constitutional rights?

Mr. President, the junior Senator from West Virginia [Mr. GOFF], in his interesting address the other day, spoke of martial law and the wiping out of the right of trial by jury as being matters of little moment. He made this statement; I do not want to misquote him:

> But it is said we have martial law in West Virginia. Is that anything new in this country? Would it not be much better if in some localities where martial law has not been declared it had been proclaimed?
>
> Now, what is martial law? It is simply the rule of the military when the civil power is inadequate. That is all

Omitting a sentence or two, he proceeds:

> Would not a justice of the peace in this strike zone in West Virginia, the sheriff of the county, or the constable of the district make a lovely spectacle of himself in attempting to arrest two or three thousand riotous men? How long would the man stay under arrest with a thousand of his comrades to rush him from the officers of the law? How long would the courts stay open in that zone?

That question, Mr. President, doubtless presented itself to Gen. Washington at the time he interfered in the great whisky rebellion in the State of Pennsylvania. The example of Washington's conduct was referred to by President Garfield, I think, in the speech that he made in the Milligan case. He said:

> President Washington did not march with his troops until the judge of the United States district court had certified that the marshal was unable to execute his warrants. Though the parties were tried for treason, all the arrests were made by the authority of the civil officers. The orders of the Secretary of War stated that "the object of the expedition was to assist the marshal of the district to make prisoners."

Behold the difference between Washington's construction of the Constitution and that of the governor and the Supreme Court of West Virginia!

> Every movement was made under the direction of the civil authorities. So anxious was Washington on this subject that he gave his orders with the greatest care and went in person to see that they were carefully executed. He issued orders declaring that "the Army should not consider themselves as judges or executioners of the laws, but only as employed to support the proper authorities in the execution of the laws."

The military power of West Virginia—aye, the whole military power of the United States under the Constitution—would be brought to the aid of the humblest officer in West Virginia to enable him fully and effectually to perform his duty in the execution of the laws of the State and to carry out the mandates of the civil courts.

Mr. President, the sentiments of the Senator from West Virginia expressed upon this floor in defense of military law, military courts, and the exercise of arbitrary power in his State is in striking contrast with the language employed by Gen. Garfield in his great argument before the Supreme Court of the United States in the Milligan case. That great Republican statesman and soldier, fresh from the field of battle, within a year after the close of the Civil War, at a time when the blood of the soldier was still hot and the embers of civil strife still smoldering, appeared before that great tribunal, without fee or hope of reward, only because he loved his country and venerated its Constitution, and in one of the greatest arguments of his time, pleading for the supremacy of the civil over military law, said:

> Your decision will mark an era in American history. The just and final settlement of this great question will take a high place among the great achievements which have immortalized this decade. It will establish forever this truth of inestimable value to us and to mankind: That a republic can wield the vast enginery of war without breaking down the safeguards of liberty; can suppress insurrection and put down rebellion, however formidable, without destroying the bulwarks of law; can, by the might of its armed millions, preserve and defend both nationality and liberty. Victories on the field were of priceless value, for they plucked the life of the Republic out of the hands of its enemies; but
>
> "Peace hath her victories
> No less renowned than war."
>
> And if the protection of law shall by your decision be extended over every acre of our peaceful territory, you will have rendered the great decision of the century.

What a long step downward from the patriotic sentiments of Republican statesman Garfield to the recent performances of the Republican governor of West Virginia and the defense of that conduct on the floor of the Senate by the distinguished Republican Senator from that State.

The Senator from West Virginia, in the course of his remarks, was kind enough to refer to the "strike conditions" that prevailed in the State; and in the face of the fact, as it has been brought out here, that men can not belong to organized labor and work in the coal mines in that district, he says: "Mr. President, I believe in the rights of labor."

When I was a boy attending college in the State of Michigan, it was my privilege to hear a political speech made by Zachary Chandler, one of Michigan's great Republicans. It was in the presidential campaign of 1868. In the course of that speech Mr. Chandler used language something like this:

"Democrats talk a good deal about their rights. Fellow citizens, I recognize the fact that they have rights which they are entitled to enjoy, at least two rights—one a constitutional right and the other a divine right—a constitutional right to be hung and a divine right to be damned."

As I listened to the Senator from Virginia the other day and heard him first defend the arbitrary and unlawful acts of West Virginia's governors against the rights and interests of the working people of that State, and then declare that he recognized the rights of organized labor, I could not fail to conclude that he was as generous in his estimation of the rights of workingmen as Zachary Chandler was of the rights of Democrats in 1868.

Mr. President, I have detained the Senate much longer than I had intended. I introduced this resolution at the request of certain representatives of organized labor, without knowing more of the subject than that it had been introduced previously by the distinguished Senator from Idaho [Mr. BORAH]. I made no examination into the facts before I introduced the resolution, because I had such confidence in his integrity and patriotism that I felt sure he would father no resolution that had not sufficient basis to merit consideration. But, Mr. President, since the resolution was introduced, since the discussion commenced, I have received information from every quarter of the scene of the trouble, from many counties in West Virginia, and, as I said a while ago, from every part of the United States. I have received letters and telegrams by the thousand, asking that the Senate of the United States shall not permit this resolution to be sidetracked, demanding that this investigation take place. Within the last 24 hours I have received several telegrams saying: "What is the matter? What has become of the resolution? Have you permitted them to drive or persuade you from the line of action you have marked out?"

The people want to know. They have a right to know. As I said a while ago, if these coal operators in West Virginia are the men they claim to be, they ought to come forward as one man and say: "These charges that have been sent broadcast through the land are false charges, and we demand an opportunity to meet and disprove them." Instead of that, their voice is heard about here, first, in objection, and, second, in favor of referring this serious question to some committee of the Senate, in order that that committee may decide for us whether or not these questions ought to be investigated.

With the facts before this body, have you not information enough to justify action in ordering an investigation? The governor of West Virginia says that he desires it; that he would hail it with delight. The senior Senator from West Virginia [Mr. CHILTON] says he will not go counter to the will of the governor in that regard. The public demands it. Every consideration of humanity demands it. I trust the Senate will not hesitate to yield to that demand.

Mr. HOLLIS. Mr. President, there is nothing novel or revolutionary about the proposition to have an investigation of industrial trouble by a committee of one of the Houses of Congress. In March, 1912, there were hearings before the Committee on Rules of the House of Representatives on the strike at Lawrence, Mass. No particular objection was made to the investigation. No report recommending action was made, but the facts were brought out, and they are now available in a public document. I believe there will not recur at an early day another situation such as occurred a year or more ago in Massachusetts. I think both sides will not go precipitately into another such conflict as we saw there.

I wish to occupy just a few moments to explain what I understand to be the real attitude of labor unions toward such conditions as are said to exist in the Paint Creek district of West Virginia.

Enough is conceded at the outset to warrant this investigation. It seems to be agreed that the miners went out on strike; that there was personal violence; that the governor felt war-

ranted in suspending the civil authority; that men have been imprisoned for long terms through court-martial proceedings; that Mother Jones was detained against her will; and that military government to-day, contrary to accepted American institutions, exists within 20 miles of the capital of West Virginia and within 300 miles of the city of Washington.

It is claimed by the junior Senator from West Virginia [Mr. GOFF], in a vigorous speech, that the Paint Creek district was dominated by a mob of striking workmen; that the civil authorities were unable to cope with the situation; and that it was necessary for the governor of West Virginia to place the district under military control and to suspend civil authority, including the rights of the writ of habeas corpus and of trial in the ordinary courts.

Mr. GOFF. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from West Virginia?

Mr. HOLLIS. Certainly.

Mr. GOFF. Not for one moment has the writ of habeas corpus been suspended in West Virginia, nor did I ever intimate it.

Mr. HOLLIS. Then I will accept the correction, and will say that if by some technicality the writ of habeas corpus itself has not been suspended, the efficacy of the writ of habeas corpus, or the principles which we have all understood govern that proceeding, have been suspended.

I understood it to be conceded the other day by the learned Senator that nothing but a serious emergency would warrant the governor in placing a district under military control, but that he insisted that such an emergency did exist. It is claimed on the other side that no such serious emergency as would fairly warrant the governor in suspending the civil law existed in West Virginia. It is claimed that men are now being forced by the military authorities to work in the mines against their will. It is claimed that Mother Jones was detained without a fair trial and without knowing what the findings against her were. It is claimed that the resumption of government in West Virginia in accordance with American standards has been unduly delayed.

I believe, Mr. President, all reasonable men are fairly agreed upon the legal and ethical principles that should be applied to a situation like this. So far as I know, no one contends that a man has a right by violence to endeavor to advance the object of a strike. I have never heard a labor-union man claim the right to interfere by force with other workmen who wished to work, or to injure the property of his employer. I am well aware, however, that there have been frequent occasions when labor-union men have damaged property and when, by violence, they have prevented "scabs" from working, and when they have assaulted and injured such men.

I do not defend such violence. I am sorry when I hear of it, and I know the leaders of union labor disapprove of it as much as anybody in this Chamber. They understand that crimes against the law prejudice the public against their movement, and they know that such crimes interfere with the objects for which they are working. But violence is not confined to laborers who are out on strike. There have been deeds of violence in this very Chamber. A prominent banker of the city of Washington was brought before the bar of the House of Representatives only a few days ago for committing an assault upon a Member of that body. It is unfortunate, but it is true that violence is confined to no class.

When we are considering the rights and the temptations of striking laborers we have a great many things to take into account. They strike to obtain better wages, or otherwise to ameliorate the conditions under which they work. They do not strike lightly. They know that if strikes are protracted they and their families will suffer. They know that, no matter how long the strike is protracted, their employers will not suffer the pangs of hunger, will not go without any reasonable comfort, or even luxury.

I hope no Member of this body will ever sit at the bedside of a dying wife or child and know that that precious life is ebbing for lack of nourishing food or proper medicine, while he sits idle from lack of work. I hope I shall never be stirred to acts of violence by scenes like that. But I hope if I am so stirred I may be tried before a court that is established by the law of the land, and that I may be reasonably and properly punished according to the law of the land. It is conditions such as these that we should investigate.

I believe we all agree that military control is not desirable, although at times it is necessary. I believe we all agree that striking workmen ought not to resort to violence, but sometimes they do. I believe we all agree that the powers of the Government ought not to be used to help out capitalists in their struggles with organized labor, but should be used merely to preserve the law and to prevent violence. I think we all agree, Mr. President, that lawlessness on one side, and I care not which, begets lawlessness on the other side, and I think we all agree on the efficacy of publicity and of public opinion.

Now, then, with no practical dispute as to the legal principles involved, with little agreement on the facts involved, we are asked to investigate the facts, to apply legal principles so far as we may, and to ascertain whether government according to the usual American standard has been unreasonably suspended, and whether the constitutional rights to life, liberty, and property under due process of law have been unreasonably overthrown.

Mr. President, I understand that both the Senators from West Virginia agree with us that these rights are among the most precious that we have in this country, and that they ought to be maintained, if they can, whether we have the power or whether the power is somewhere else, in all their force and in all their purity. The gentlemen state, and I think they believe—I hope they believe and I take their word for it—that nothing wrong has gone on in West Virginia in the Paint Creek district on the part of the authorities. They ask us to believe it. But these charges come from responsible sources. The facts that are conceded here create grave suspicion at the very least, and what are we to do but to investigate? How are we to get at the real facts unless we investigate? How are we to decide whether we shall do something or do nothing until we are reliably informed?

The friends of labor unions ask for an investigation. The governor of West Virginia does not oppose it. I have sufficient faith in the power of publicity and of public opinion to be satisfied that nothing but an investigation by a committee of the Senate is needed to clear up what trouble exists there now and to prevent similar trouble for many years to come.

Mr. GOFF. Mr. President, I shall not detain the Senate for any length of time. We have heard many, many matters entirely foreign to this subject discussed here to-day. We have had very, very few of the facts really involved in this matter alluded to.

The Senator from Indiana [Mr. KERN] in closing his interesting and very lengthy remarks tells us that he introduced this resolution without any information relating to the matter, and I want to tell him that he has proceeded to discuss it without having investigated many of the questions involved. The resolution is to-day, as it was when he presented it, quoad the facts and the law applicable thereto.

Now, it has been said that the governor of West Virginia does not oppose the investigation. I am delighted that he does not. He stands upon a pedestal before this country and before this Senate, and he is ashamed of nothing relating to his official life or pertaining to the situation now existing in West Virginia. Surely he will have no objection to an investigation, and it is plain that he has nothing to conceal.

But, Mr. President, is that any reason why the investigation should be made? He says, "I will welcome a committee of investigation. I will open the doors of the statehouse. I will throw wide the gates, and all the facts, all the information, we have will be at your disposal." It would not be like him, the State would resent it, were he to intimate anything to the contrary.

Take this matter home, each of you, to your own State. Would not your governor do and say the same thing? And yet would it follow, Mr. President, that on that account the dignity of the State of New York, of Ohio, of Indiana, or any other of the States of this Nation should be invaded in this manner? Wherein has West Virginia been derelict? It is so easy to talk, Mr. President; it is so easy to build up a fancied case, Munchausen-like theories illuminated by the Thousand-and-one Nights Tales, delightful, beautiful, but when you come down to the fundamental facts relating to the situation under consideration what do we find?

It is admitted that it is decidedly unpleasant to be confronted with conditions requiring the existence of martial law. No one has asserted to the contrary. There are not many States in the Nation that have not been subjected to the turmoil and confusion now existing in a small section of West Virginia. I could mention State after State where similar conditions have existed and where martial law has been declared; and though I alluded to and explained that matter a few days ago, still the Senator from Indiana to-day gravely insists that West Virginia is alone in that particular.

The case read by the Senator from Idaho [Mr. BORAH], in which questions arising in the State of Colorado were reviewed, indicates that just such situations as now exist in West Virginia may call for martial law, may demand that in a certain zone military power shall be supreme. Has not the Supreme Court of the United States told us in substance that at cer-

tain times it is necessary that the military power shall be supreme? When and where? When the liberty of the people is in jeopardy, where insurrection prevails and the civil law is unable to cope with conditions then existing.

The argument we have heard here to-day relates to one side only. It is in the interest of men engaged in a controversy with their employers, involved in a "strike" in which they have substituted their will in place of law. Everything, according to the Senator from Indiana, must yield to their wishes, or the locality will be involved in confusion and riot. What comes to all the people who live in the vicinity where the strike exists and in the localities surrounding this distracted zone if the riot and confusion referred to are permitted to continue? They are reputable people—men, women, and children. They are engaged in the various avocations of life—farmers, merchants, miners, laborers; some of them operators of mines and men of means. Concede it, is that reprehensible? Does that deprive them of the protection of the law? They are the men who are developing and building up the country where they live. They have invested there large sums of money; they are employing thousands of men. Some are natives of that section; some are from Ohio, others from New York, Pennsylvania, Massachusetts, and other New England States. They are conquering the wilderness.

A few years ago I stood on the summits of the mountains near that section that divide the tidewater on the east from the then unbroken forests to the west, and the view was majestic, inspiring, full of wondrous possibilities, fair to gaze upon, a primeval, unbroken wilderness, rich beyond description, and as grand a gift as a propitious Providence ever gave to the children of men.

Now they are developing it. They have established industries all through it. Is it not a pity that we can not build railroads, open mines, construct furnaces and ovens, or do those things that make the hum of industry sweet music to the ear unless we also have strife, confusion, riots, insurrection, bloodshed, and death?

Now, why not be fair about this matter? Why insist that West Virginia alone is so afflicted? Such incidents, such misfortunes, come to all sections. It is so in your locality; it is so in mine; it is so everywhere where human agencies are endeavoring to make improvements, to construct mills and factories, to operate mines, to do things. The men who are doing things want to do it their way, and the men who are doing the labor part of it want to do it their way. The result is contention, differences, strikes, and frequently riots and insurrection. We have that situation now in West Virginia. We have had it there before this; but this is the first time that the Senate has deemed it proper to propose an investigation. Strikes have existed in other States, resulting in martial law, but this Senate did not interfere, did not suggest investigation. I was tempted to ask the eloquent Senator from Idaho about a great strike in his State, in the beautiful region of Coeur d'Alene, where I happened to be when it was going on. The State of Idaho knew how to control it, knew how to settle it, and many other of the States of the Union have known how to handle and adjust the strikes, riots, and insurrections they have had to contend with.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Idaho?

Mr. GOFF. I do.

Mr. BORAH. I do not take issue with the Senator from West Virginia upon the proposition which he has thus far stated; that is, the power of the governor to declare that an insurrection exists and to declare martial law. The point which it was difficult for me to solve without further investigation was the suspension of the right of trial of these men in civil courts.

Mr. President, I passed through the strike in the Coeur d'Alene. If I may be permitted to make a personal reference, in view of the Senator's reference, I was one of the attorneys who represented the prosecution in those cases; but it never occurred to us to try anybody by military tribunals, and we never had to do it.

Mr. GOFF. No?

Mr. BORAH. When the governor had declared martial law and policed the situation, we tried those men before a court and in the ordinary methods in which men are tried in times of peace. They were given a trial before a jury according to the usual course of procedure in such matters.

Mr. GOFF. I thank the Senator for his suggestions, and I will reach that point in my discussion of the West Virginia situation in a few moments. We had best discuss it as we develop the facts.

Now, then, this condition existed in West Virginia. The governor tried all means in his power to adjust it without resorting to military power. He appointed committees; he designated distinguished citizens. His action was nonpartisan. He asked a gentleman of the highest character of Republican faith, and a gentleman of equal dignity and character of Democratic belief. He put at their head one of the purest, grandest men in that or any other State, clean, upright, courageous, a disciple of the lowly Nazarene, now occupying the exalted position of bishop in the Roman Catholic Church—bishop of the diocese of Wheeling. Those three men went into this disturbed community, of which you have heard so much; they went there bearing with them the seal of the State on the commission of the governor; they took a solemn oath, and after due inquiry made a report of the situation to the governor. They went into the miners' homes. They did not find the wolf at their cabin doors. They advised with them; they heard and considered all complaints. They asked them what was the matter; they asked them in what particular they were mistreated; they asked them to state fully and freely their wishes. The miners did so. They welcomed this committee and talked with it freely. The complaints they submitted were fully considered. The committee then went to the operators, to the men who were conducting this great work to which I have alluded—the men who were opening up the wilderness, developing that section of West Virginia—heard their statements, and duly their grievances. "What is your grievance?"

Now, regardless of the slighting allusions of the Senator from Indiana to my regard for labor, I want to tell him, standing face to face with him, that such regard is just as honest, as true, and as conscientious as any that he has ever held or expressed at any time in his honored career toward laboring men or labor organizations.

If he will go into the localities in West Virginia where labor is employed, and where I have lived, he will find that the men who labor that they may live know me better than he does, and that they joined with the voters of my district in sending me to represent them at the other end of this Capitol. They know me, and I am willing to be judged by the record I have made.

Now, what was the report of that commission? In some particulars they found the miners to be correct, and that they should have the relief they asked for—such as the method of mining and weighing coal. It advised the executive that the miners were in the right and suggested that he sustain them in their insistence. He did so. It sustained the miners in their position that the mine guards should be abolished. The governor agreed with the commission; satisfactory terms of settlement were agreed to. Do you know that there is no trouble on Paint Creek to-day? Do you realize that there is no riot, no strike in the valley of Cabin Creek to-day? The end has come; it is a thing of the past. Gov. Hatfield suggested the terms of settlement and all agreed to them. He went to their homes; he broke bread with them; they appreciated him, and he sympathized with them. There was no guard with him; he mingled with them freely—this despot, this tyrant, this cruel commander in chief. He went in broad daylight, through the valleys and over the mountains of this martial zone, with a few personal friends, and everywhere was received as the honored man he is, not as a conquering lord, but as the beloved executive he is.

Now, as to the strike zone. At the time these troubles originated, as I have indicated, the situation was such, the difficulties so great, that the civil authorities were powerless, and you could as easily, with straw, have impeded the flow of the rushing waters of the Ohio during its recent flood as have maintained order in that section by its justices, its constables, and its sheriffs. Will it be right to go back; will it be profitable to seek for the original cause of this trouble? Cui bono? Still a cause existed. If I say the trouble arose because of strangers coming into that community, bringing with them orders from other localities, demands from lodges and associations, I will stir up somebody's bad blood. There were inflammatory addresses; there were such speeches and threats made—not appeals to reason; not fair discussion, but suggestions for riot and insurrection—as led to suspension of work, destruction of property, intimidation, violation of law, importation of arms for illegal use; in fact, chaos and death.

I hope we may never experience the like of it again. Let us have the seal of your disapproval now. It may come to you next. They call it the right of free speech. That we will never oppose. Never yet in any land of civilization has it been held that free speech means unlimited license; that it means permission to incite to riot, to advise insurrection, to suggest the violation of the laws.

Was the governor of that State, realizing that situation, to stand idly by? Thousands of men, armed and desperate, on mountain top and in valley, were ready for the fray. They were miners, workmen, agitators, owners of the properties

guards, and citizens. Some were contending for the right to labor, others for the right to prevent some from laboring; some were defending their property, others were for destroying it unless they were given the right to control it.

The governor properly concluded he was powerless without the aid of the military organization. Did he not do right? Who will rise in the Senate and tell me he did not? The law of necessity impelled him to so act, and the statutes of West Virginia authorized him to do so. I will read it to you. It is not unusual:

When any portion of the military forces of this State shall be on duty under or pursuant to the orders of the commander in chief, or whenever any part of the State forces shall be ordered to assemble for duty in time of war, insurrection, invasion, public danger, any breach of the peace, tumult, riot, or resistance to process in this State, or imminent danger thereof, the Rules and Articles of War and the general regulations for the government of the Army of the United States shall be considered in force and regarded as a part of this chapter until said forces shall be duly relieved from such duty. No punishment under such rules and articles which shall extend to the taking of life shall in any case be inflicted except in time of actual war, invasion, or insurrection declared by proclamation of the governor to exist, and then only after the approval of the commander in chief of the sentence inflicting such punishment. In the event of invasion, insurrection, rebellion, or riot the commander in chief may, in his discretion, declare a state of war in the towns, cities, districts, or counties where such disturbances exist. (Acts 1897, ch. 61; sec. 92, ch. 18, West Virginia Code, 1906.)

You will not find anybody in West Virginia familiar with the circumstances who will not say to the governor, "Well done, thou good and faithful servant." He drew the line of martial law around just a small place, a small part of one county in the State. Let the Senate Chamber represent West Virginia, and this little desk will be the strike zone. Here is where martial law prevailed; here is where the military commission met; and in all the rest of the Chamber the civil courts would be in force, just as they have been for 50 years past, for all the time West Virginia has been a State.

It has been intimated here that the writ of habeas corpus was suspended. There has been a feeling engendered in this Chamber and throughout the country against the State of West Virginia based on just such reckless assertions as that. Such assertions should come from the lips of no man unless he knows whereof he speaks, because it is doing an injustice to as great, as free, and as gallant a people as ever drew the breath of life. Our mountaineers, you know, are always free. The motto "Montani semper liberi" is upon the seal of our State. The writ of habeas corpus has never been suspended. Those held in the martial zone availed themselves of it.

The case which the Senator from Indiana [Mr. KERN] discussed and criticized here so severely, the case which he read and reread and relies upon, what was it? An application for a writ of habeas corpus, showing that such writ had not been suspended, demonstrating that it had not been refused. The writ of habeas corpus suspended! The books and records are full of cases showing where those who complained of the acts of the military commission petitioned the courts and the judges issued the writ, the military officials brought in the parties, the judges heard the cases and said: "We can not discharge you; go back to your prison; because according to the Constitution of the United States and the laws and constitution of West Virginia you are properly held by the military authority." That is what they said. Why can not West Virginia courts speak and be entitled to the same respect and be given the same credit that the courts of other States have and receive? I know those judges—the judges of the inferior as well as of the superior courts, including the judges of the court of appeals. They will stand in learning, in intelligence, and in dignity with any bench that wears the judicial gowns. Even if they are mistaken, why should they not have credit given them until in the lawful, orderly way their judgment is reversed? How are we going to maintain republican government unless we respect the judgment of the highest courts of the country?

I desire to quote from another decision, in addition to the case from which the Senator from Idaho [Mr. BORAH] read—the Milligan case—in which the Supreme Court held the military commission invalid because where it was held there was no insurrection. That was the ground of the decision in that case. The commission was not acting in the war zone; it was not sitting south of the Potomac; it was not in a section where disorder reigned supreme and the usages of war applied. Therefore the military commission had no right to sit or dispose of the question before it. Back in the years gone by, early, relatively, in the history of this Government, the Supreme Court of the United States laid down the rule that has prevailed in West Virginia through all this trouble. It reiterated it in the case from Colorado. I refer to the case of Luther against Borden, arising in the State of Rhode Island. What did the Supreme Court of the United States say in that case? I read from Seventh Howard, page 45:

And unquestionably a State may use its military power to put down an armed insurrection too strong to be controlled by the civil authority. The power is essential to the existence of every government, essential to the preservation of order and free institutions, and is as necessary to the States of this Union as to any other government. The State itself must determine what degree of force the crisis demands.

Let me reread that:

The State itself must determine what degree of force the crisis demands—

This decision was given by Chief Justice Taney, and was concurred in by some of the ablest judges that ever sat upon the Supreme Bench of this Nation—

and if the government of Rhode Island deemed the armed opposition so formidable and so ramified throughout the State as to require the use of its military force and the declaration of martial law, we see no ground upon which this court can question its authority. It was a state of war, and the established government resorted to the rights and usages of war to maintain itself and to overcome the unlawful opposition.

Now, will you listen to this? Will the Senator from Indiana listen to this and see how much out of the way West Virginia has been and how great an outrage the governor of that Commonwealth has committed, or his military officials have been guilty of?

And in that state of things the officers engaged in its military service might lawfully arrest anyone who, from the information before them, they had reasonable grounds to believe was engaged in the insurrection, and might order a house to be forcibly entered and searched when there were reasonable grounds for supposing he might be there concealed. Without the power to do this martial law and the military array of the government would be mere parade and rather encourage attack than repel it.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Idaho?

Mr. GOFF. I do.

Mr. BORAH. The Supreme Court in the Milligan case in nowise modified that rule.

Mr. GOFF. No.

Mr. BORAH. And, so far as I know, no one here controverts that proposition.

Mr. GOFF. I beg the Senator's pardon.

Mr. BORAH. I have not heard anyone do so.

Mr. GOFF. It has been stated over and over again that men and women were arrested without authority and detained without warrant of law.

Mr. BORAH. I have no doubt at all that the military authorities had the right to detain people and to arrest them for the purpose of preventing them continuing unlawful acts; but the question which that case does not reach, and which the Milligan case does reach, is the right, in addition to that, to try those parties before a military tribunal. As I understand, the people who were tried in West Virginia simply committed offenses against the laws of the State of West Virginia.

Mr. GOFF. Some of them; but not all of them.

Mr. BORAH. Yes; but they were tried before a military tribunal for the violation of the laws of West Virginia, when, according to the Senator himself, the State courts were open.

Mr. GOFF. Every one of them, except in this zone.

Mr. BORAH. And juries ready to be impaneled.

Mr. GOFF. I say the zone where this commission sat, and where these trials were held and where these offenses were committed, was without law and without courts.

Mr. BORAH. But, Mr. President, courts were open to which these people could have been taken, and their jurisdiction covered this particular territory.

Mr. GOFF. I concede you that military commissions are not new. Does not the Supreme Court, in the case from which I have just read, if the Senator from Idaho will recall, lay down the doctrine positively that the State may do those things necessary to protect the dignity of the State, the liberty of its citizenship, and the peace of the community?

Mr. BORAH. Mr. President, as I understand the law, it is that while you may arrest and detain parties from doing unlawful acts where martial law prevails, you may not try those people for the violation of civil law or for the violation of the laws of the State, unless they are themselves in the Army or the Navy, in any other wise than by the civil courts. Is there any decision to the contrary?

Mr. GOFF. There is this decision, under which they may arrest anyone found within this insurrectionary district that they believe is aiding the insurrection.

Mr. BORAH. And when they have arrested him, if they propose to punish him, they must punish him in accordance with the laws of the State or of the United States?

Mr. GOFF. I have just reached that point.

Now, we are in the military zone. Now, we are in this place where martial law has been declared and where the usages of war prevail.

Mr. BORAH. Exactly; but the military zone is still within the jurisdiction of the court.

Mr. GOFF. Its acts are subject to the revision of the court. Is it possible that we are to be told in this late day and generation that a military commission can not sit when war or insurrection is in progress in the identical spot where the insurrection is extant?

Mr. BORAH. Mr. President, I declare at this late day that it has been declared so many times that I did not suppose it would be controverted that, although the governor of a State may declare martial law and fix a military zone for the purpose of policing the situation and preventing lawlessness, he can not improvise a military tribunal for the purpose of trying men who have violated the laws of the State.

Mr. GOFF. That raises the question again. Great men will differ. Great courts will differ.

Mr. WILLIAMS. Mr. President, I desire to interrupt the Senator from West Virginia for the purpose of asking him if it would not be more convenient for him to go on with his speech to-morrow after the Senate meets. It is now a quarter to 6 o'clock, and it seems to me that if the Senator will yield to permit an adjournment he can complete his speech better in the morning. I ask the Senator to yield for that purpose.

The VICE PRESIDENT. Will the Senator from West Virginia yield to the Senator from Mississippi?

Mr. GOFF. I may be perfectly willing to accommodate the Senator from Mississippi if he can assure me that the situation to-morrow will be that which he indicates.

Mr. WILLIAMS. I understand the resolution goes over as the unfinished business and will come up in that shape to-morrow, when the Senator can continue his remarks.

Mr. GOFF. Then, will the Senator move an adjournment?

Mr. WILLIAMS. I move that the Senate adjourn.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi that the Senate adjourn. [Putting the question.] The ayes seem to have it.

Mr. JAMES. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SHEPPARD (when Mr. CULBERSON's name was called). I desire to state that my colleague [Mr. CULBERSON] is necessarily absent. He is paired with the senior Senator from Delaware [Mr. DU PONT].

Mr. BRYAN (when Mr. FLETCHER's name was called). My colleague [Mr. FLETCHER] is necessarily absent from the Senate. He is paired with the junior Senator from Wyoming [Mr. WARREN].

Mr. POMERENE (when his name was called). I am paired with the junior Senator from North Dakota [Mr. GRONNA]. I understand if he were present he would vote "yea." That being the case, I will vote. I vote "yea."

Mr. SIMMONS (when his name was called). I am paired with the junior Senator from Minnesota [Mr. CLAPP], and therefore withhold my vote.

Mr. SAULSBURY (when the name of Mr. SMITH of Maryland was called). At the request of the senior Senator from Maryland [Mr. SMITH] I desire to announce his pair with the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. RANSDELL (when Mr. THORNTON's name was called). I desire to announce, on behalf of the senior Senator from Louisiana [Mr. THORNTON], that he is unavoidably absent on account of sickness.

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). I announce that my colleague [Mr. WARREN] is absent from the Senate on public business. He is paired with the senior Senator from Florida [Mr. FLETCHER].

The roll call was concluded.

Mr. CHAMBERLAIN. I desire to inquire whether the junior Senator from Pennsylvania [Mr. OLIVER] has voted?

The VICE PRESIDENT. The junior Senator from Pennsylvania has not voted.

Mr. CHAMBERLAIN. I am paired with that Senator. I am advised, however, that if he were present he would vote "yea." Therefore I am at liberty to vote. I vote "yea."

Mr. GALLINGER. I was requested to announce that the Senator from Maine [Mr. BURLEIGH] is paired with the Senator from South Carolina [Mr. SMITH], that the Senator from New Mexico [Mr. FALL] is paired with the Senator from Arizona [Mr. SMITH], and that the Senator from Washington [Mr. JONES] is paired with the Senator from Louisiana [Mr. THORNTON].

The result was announced—yeas 44, nays 27, as follows:

YEAS—44.

Borah	Cummins	Myers	Smith, Mich.
Bradley	Dillingham	Nelson	Smoot
Brandegee	Gallinger	Norris	Stephenson
Bristow	Goff	Overman	Sterling
Burton	Gore	Owen	Sutherland
Catron	Hitchcock	Page	Swanson
Chamberlain	Johnson, Me.	Penrose	Tillman
Chilton	Kern	Perkins	Townsend
Clark, Wyo.	La Follette	Pomerene	Weeks
Colt	McLean	Reed	Williams
Crawford	Martin, Va.	Root	Works

NAYS—27.

Ashurst	Hughes	O'Gorman	Smith, Ga.
Bacon	James	Ransdell	Stone
Bankhead	Johnston, Ala.	Robinson	Thomas
Brady	Kenyon	Saulsbury	Thompson
Bryan	Lea	Shafroth	Vardaman
Clarke, Ark.	Lewis	Sheppard	Walsh
Hollis	Martine, N. J.	Shively	

NOT VOTING—25.

Burleigh	Jackson	Oliver	Smith, Md.
Clapp	Jones	Pittman	Smith, S. C.
Culberson	Lane	Poindexter	Thornton
du Pont	Lippitt	Sherman	Warren.
Fall	Lodge	Shields	
Fletcher	McCumber	Simmons	
Gronna	Newlands	Smith, Ariz.	

So the motion was agreed to; and (at 5 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 15, 1913, at 12 o'clock meridian.

SENATE.

THURSDAY, *May 15, 1913.*

Prayer by Rev. W. V. Tudor, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

ESTIMATE OF APPROPRIATIONS (S. DOC. NO. 35).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, calling attention to House joint resolution No. 80, appropriating $300,000 for temporary and auxiliary clerks in post offices and the sum of $300,000 for substitute auxiliary and temporary city-delivery carriers, and transmitting a communication from the Postmaster General setting forth the immediate needs for these additional funds in order to avoid serious embarrassment to the service of the Post Office Department, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

REPORT OF SERGEANT AT ARMS (S. DOC. NO. 34).

The VICE PRESIDENT laid before the Senate a communication dated March 15, 1913, from the former Sergeant at Arms of the United States Senate, transmitting a statement of the receipts from the sale of condemned property from December 2, 1912, to March 15, 1913, which was ordered to lie on the table and to be printed.

THE SUGAR INDUSTRY.

The VICE PRESIDENT. The Chair lays before the Senate a cablegram which will be read.

The Secretary read the cablegram, as follows:

[Cablegram.]

ILOILO, *May 14, 1913.*

PRESIDENT SENATE, *Washington:*

Visayan Provinces appeal for salvation of sugar industry. Free sugar means loss livelihood million and quarter people and ruin to fifty millions American and Filipino capital.

ILOILO BOARD OF TRADE.

The VICE PRESIDENT. The cablegram will be referred to the Committee on Finance.

THE TARIFF.

The VICE PRESIDENT. The Chair, for information, desires to make an inquiry of the Senators present.

The next order of procedure is messages from the House of Representatives on the table. As is known to the Senate, House bill 3321, commonly known as the tariff bill, has not been disposed of. It has not been referred to any committee as yet.

For the information of the Chair I should like to know where that bill is, whether it is a message from the House of Representatives still on the table which is now to be taken up and further discussed in reference to the motion to refer, or whether it is ever to be taken up again until some one takes it out of the air and brings it down and presents it to the Senate.

For the information of the Chair, if Senators who have knowledge of the mode of procedure will inform the Chair as to whether this is the time or not, he would be obliged.

Mr. LODGE. Mr. President, as I understand the Chair, the question is in regard to referring the tariff bill.